ON THE SOCIAL CONTRACT, or PRINCIPLES OF POLITICAL RIGHT[1]

By J.-J. Rousseau
Citizen of Geneva[2]

—foederis aequas
Dicamus leges.
Aeneid XI[3]

Amsterdam
Chez MARK MICHEL REY
MDCCLXII

Vignette on title page from First Edition of The Social Contract, *Type B, courtesy Rare Book Room, Baker Library, Dartmouth College.*

ON THE SOCIAL CONTRACT

Contents

Book I

Inquiring how man passed from the state of nature to the civil state, and what the essential conditions of the compact are.

I. Subject of This First Book 131
II. On the First Societies 132
III. On the Right of the Strongest 133
IV. On Slavery 134
V. That It Is Always Necessary to Go Back to a First Convention 137
VI. On the Social Compact 138
VII. On the Sovereign 139
VIII. On the Civil State 141
IX. On Real Estate 142

Book II

Discussing legislation.

I. That Sovereignty Is Inalienable 145
II. That Sovereignty Is Indivisible 145
III. Whether the General Will Can Err 147
IV. On the Limits of the Sovereign Power 148
V. On the Right of Life and Death 150
VI. On Law 152
VII. On the Legislator 154
VIII. On the People 157
IX. On the People—Continued 159
X. On the People—Continued 160
XI. On Various Systems of Legislation 162
XII. Classification of Laws 164

Book III

Discussing political laws; that is, the form of the government.

I. On Government in General 166
II. On the Principle That Constitutes the Various Forms of Government 170
III. Classification of Governments 172
IV. On Democracy 173
V. On Aristocracy 174
VI. On Monarchy 176
VII. On Mixed Governments 180
VIII. That All Forms of Government Are Not Suited to All Countries 181
IX. On the Signs of a Good Government 185
X. On the Abuse of Government and Its Tendency to Degenerate 186
XI. On the Death of the Body Politic 188
XII. How the Sovereign Authority Is Maintained 189
XIII. How the Sovereign Authority is Maintained—Continued 190
XIV. How the Sovereign Authority is Maintained—Continued 191
XV. On Deputies or Representatives 191
XVI. That the Institution of the Government Is Not a Contract 194
XVII. On the Institution of the Government 195
XVIII. The Way To Prevent Usurpations by the Government 196

Book IV

Continuing the discussion of political laws, the ways to strengthen the constitution of the State are presented.

I. That the General Will Is Indestructible 198
II. On Voting 199
III. On Elections 201
IV. On the Roman Comitia 203
V. On the Tribunate 211
VI. On Dictatorship 212
VII. On Censorship 214
VIII. On Civil Religion 216
IX. Conclusion 224

Foreword

This short treatise is taken from a more extensive work, which I undertook in the past without considering my strength, and have long since abandoned. Of the various segments that could be taken from what had been done, this is the most considerable, and seemed to me the least unworthy of being offered to the public. The rest no longer exists.[4]

BOOK I

I want to inquire whether there can be a legitimate and reliable rule of administration in the civil order, taking men as they are and laws as they can be. I shall try always to reconcile in this research what right permits with what interest prescribes, so that justice and utility are not at variance.[5]

I start in without proving the importance of my subject. It will be asked if I am a prince or a legislator to write about Politics. I reply that I am neither, and that is why I write about Politics. If I were a prince or a legislator, I would not waste my time saying what has to be done. I would do it, or keep silent.[6]

Born a citizen of a free State, and a member of the sovereign, the right to vote there is enough to impose on me the duty of learning about public affairs, no matter how feeble the influence of my voice may be. And I am happy, every time I meditate about Governments, always to find in my research new reasons to love that of my country![7]

Chapter I: Subject of This First Book

Man was/is born free, and everywhere he is in chains.[8] One who believes himself the master of others is nonetheless a greater slave than they. How did this change occur? I do not know. What can make it legitimate? I believe I can answer this question.

If I were to consider only force and the effect it produces, I would say that as long as a People is constrained to obey and does so, it does well; as soon as it can shake off the yoke and does so, it does even better. For in recovering its freedom by means of the same right used to steal it, either the people is justified in taking it back, or those who took it away were not justified in doing so. But the social order is a sacred right that serves as a basis for all the others. However this right does not come from nature; it is therefore based on conventions. The problem is to know what these conventions are. Before coming to that, I should establish what I have just asserted.

Chapter II: On the First Societies

The most ancient of all societies, and the only natural one, is that of the family.[9] Yet children remain bound to the father only as long as they need him for self-preservation. As soon as this need ceases, the natural bond dissolves. The children, exempt from the obedience they owed the father, and the father, exempt from the care he owed the children, all return equally to independence. If they continue to remain united, it is no longer naturally but voluntarily, and the family itself is maintained only by convention.[10]

This common freedom is a consequence of man's nature. His first law is to attend to his own preservation, his first cares are those he owes himself; and as soon as he has reached the age of reason, as he alone is the judge of the proper means of preserving himself, he thus becomes his own master.

The family is therefore, if you wish, the first model of political societies. The leader is the image of the father, the people are the image of the children; and since all are born equal and free, they only alienate their freedom for their utility. The entire difference is that in the family, the father's love for his children rewards him for the care he provides; whereas in the State, the pleasure of commanding substitutes for this love, which the leader does not have for his people.

Grotius denies that all human power is established for the benefit of those who are governed. He cites slavery as an example.[11] His most persistent mode of reasoning is always to establish right by fact.* One could use a more consistent method, but not one more favorable to Tyrants.

It is therefore doubtful, according to Grotius, whether the human race belongs to a hundred men, or whether these hundred men belong to the human race; and throughout his book he appears to lean toward the former view. This is Hobbes's sentiment as well. Thus the human species is divided into herds of livestock, each with its leader, who tends it in order to devour it.[13]

As a herdsman's nature is superior to that of his herd, so the shepherds of men, who are their leaders, are also superior in nature to their peoples. The emperor Caligula reasoned thus, according to Philo, concluding rather well from this analogy that the kings were Gods or that people were beasts.

*"Learned research on public right is often merely the history of ancient abuses, and people have gone to a lot of trouble for nothing when they have bothered to study it too much." *Treatise on the Interests of France in Relation to Her Neighbors, by M. le Marquis d'Argenson* (printed by Rey in Amsterdam).[12] This is exactly what Grotius has done.

Caligula's reasoning amounts to the same thing as that of Hobbes and Grotius. Before any of them, Aristotle too had said that men are not naturally equal, but that some are born for slavery and others for domination.[14]

Aristotle was right, but he mistook the effect for the cause. Every man born in slavery is born for slavery; nothing could be more certain. Slaves lose everything in their chains, even the desire to be rid of them. They love their servitude as the companions of Ulysses loved their brutishness.* If there are slaves by nature, therefore, it is because there have been slaves contrary to nature. Force made the first slaves; their cowardice perpetuated them.

I have said nothing about king Adam or emperor Noah, father of three great monarchs who divided up the universe among themselves, as did the children of Saturn who have been identified with them. I hope this moderation will be appreciated, for as I am a direct descendant of one of these Princes, and perhaps of the eldest branch, how am I to know whether, through the verification of titles, I would not discover that I am the legitimate king of the human race? However that may be, it cannot be denied that Adam was Sovereign of the world, like Robinson of his island, as long as he was its only inhabitant. And what was convenient in that empire was that the monarch, secure on his throne, had neither rebellions, nor wars, nor conspirators to fear.[16]

Chapter III: On the Right of the Strongest

The strongest is never strong enough to be the master forever unless he transforms his force into right and obedience into duty.[17] This leads to the right of the strongest, a right that is in appearance taken ironically and in principle really established. But won't anyone ever explain this word to us? Force is a physical power. I do not see what morality can result from its effects. Yielding to force is an act of necessity, not of will. At most, it is an act of prudence. In what sense could it be a duty?

Let us suppose this alleged right for a moment. I say that what comes of it is nothing but inexplicable confusion. For as soon as force makes right, the effect changes along with the cause. Any force that overcomes the first one succeeds to its right. As soon as one can disobey without punishment, one can do so legitimately, and since the strongest is always right, the only thing to do is to make oneself the strongest. But what is a right that perishes when force ceases? If it is necessary to obey by force, one need not obey by duty, and if one is no longer forced to obey, one

* See a short treatise by Plutarch entitled *That Animals Reason*.[15]

is no longer obligated to do so. It is apparent, then, that this word right adds nothing to force. Here it signifies nothing at all.

Obey those in power.[18] If that means yield to force, the precept is good, but superfluous; I reply that it will never be violated. All power comes from God, I admit, but so does all illness. Does this mean it is forbidden to call the doctor? If a brigand takes me by surprise at the edge of a woods, must I not only give up my purse by force; am I obligated by conscience to give it even if I could keep it away? After all, the pistol he holds is also a power.

Let us agree, therefore, that force does not make right, and that one is only obligated to obey legitimate powers. Thus my original question still remains.

Chapter IV: On Slavery

Since no man has any natural authority over his fellow man, and since force produces no right, there remain only conventions as the basis of all legitimate authority among men.[19]

If a private individual, says Grotius, can alienate his freedom and enslave himself to a master, why can't a whole people alienate its freedom and subject itself to a king?[20] There are many equivocal words in this that need explaining, but let us limit ourselves to the word *alienate*. To alienate is to give or to sell. Now a man who makes himself another's slave does not give himself, he sells himself, at the least for his subsistence. But why does a people sell itself? Far from furnishing the subsistence of his subjects, a king derives his own only from them, and according to Rabelais a king does not live cheaply. Do the subjects give their persons, then, on condition that their goods will be taken too? I do not see what remains for them to preserve.

It will be said that the despot guarantees civil tranquillity to his subjects. Perhaps so, but what have they gained if the wars that his ambition brings on them, if his insatiable greed, if the harassment of his ministers are a greater torment than their dissensions would be? What have they gained, if this tranquillity is one of their miseries? Life is tranquil in jail cells, too. Is that reason enough to like them? The Greeks lived tranquilly shut up in the Cyclop's cave as they awaited their turn to be devoured.[21]

To say that a man gives himself gratuitously is to say something absurd and inconceivable. Such an act is illegitimate and null, if only because he who does so is not in his right mind. To say the same thing about an entire people is to suppose a people of madmen. Madness does not make right.

Even if everyone could alienate himself, he could not alienate his children. They are born men and free. Their freedom belongs to them; no one

but themselves has a right to dispose of it. Before they have reached the age of reason, their father can, in their name, stipulate conditions for their preservation, for their well-being; but he cannot give them irrevocably and unconditionally, because such a gift is contrary to the ends of nature and exceeds the rights of paternity. For an arbitrary government to be legitimate, it would therefore be necessary for the people in each generation to be master of its acceptance or rejection. But then this government would no longer be arbitrary.

To renounce one's freedom is to renounce one's status as a man, the rights of humanity and even its duties.[22] There is no possible compensation for anyone who renounces everything. Such a renunciation is incompatible with the nature of man, and taking away all his freedom of will is taking away all morality from his actions. Finally, it is a vain and contradictory convention to stipulate absolute authority on one side and on the other unlimited obedience. Isn't it clear that one is in no way engaged toward a person from whom one has the right to demand everything, and doesn't this condition alone—without equivalent and without exchange—entail the nullification of the act? For what right would my slave have against me, since all he has belongs to me, and his right being mine, my right against myself is a meaningless word?

Grotius and others derive from war another origin of the alleged right of slavery.[23] As the victor has the right to kill the vanquished, according to them, the latter can buy back his life at the cost of his freedom—a convention all the more legitimate in that it is profitable for both of them.

But it is clear that this alleged right to kill the vanquished in no way results from the state of war. Men are not naturally enemies, if only because when living in their original independence, they do not have sufficiently stable relationships among themselves to constitute either the state of peace or the state of war. It is the relationship between things, not between men, that constitutes war; and as the state of war cannot arise from simple, personal relations, but only from proprietary relations, private war between one man and another can exist neither in the state of nature, where there is no stable property, nor in the social state, where everything is under the authority of the laws.

Individual combats, duels, encounters are not acts that constitute a state.[24] And with regard to private wars, authorized by the establishments of King Louis IX of France and suspended by the peace of God, they are abuses of feudal government, an absurd system if there ever was one, contrary to the principles of natural right and to every good polity.

War is not, therefore, a relation between man and man, but between State and State, in which private individuals are enemies only by acci-

dent, not as men, nor even as citizens,* but as soldiers; not as members of the fatherland but as its defenders. Finally, each State can have only other States, and not men, as enemies, since no true relationship can be established between things of different natures.

This principle even conforms with the established maxims of all ages and with the constant practice of all civilized peoples. Declarations of war are not so much warnings to those in power as to their subjects. The foreigner—whether he be king, private individual, or people—who robs, kills, or imprisons subjects without declaring war on the prince, is not an enemy, but a brigand.[26] Even in the midst of war, a just prince may well seize everything in an enemy country that belongs to the public, but he respects the person and goods of private individuals. He respects rights on which his own are based. The end of war being the destruction of the enemy State, one has the right to kill its defenders as long as they are armed. But as soon as they lay down their arms and surrender, since they cease to be enemies or instruments of the enemy, they become simply men once again, and one no longer has a right to their lives. Sometimes it is possible to kill the State without killing a single one of its members. War confers no right that is not necessary to its end. These principles are not those of Grotius; they are not based on the authority of poets, but are derived from the nature of things, and are based on reason.

With regard to the right of conquest, it has no basis other than the law of the strongest. If war does not give the victor the right to massacre the vanquished peoples, this right he does not have cannot establish the right to enslave them. One only has the right to kill the enemy when he cannot be made a slave. The right to make him a slave does not come, then, from the right to kill him. It is therefore an iniquitous exchange to make him buy his life, over which one has no right, at the cost of his freedom. By establishing the right of life and death on the right of slavery, and the right of slavery on the right of life and death, isn't it clear that one falls into a vicious circle?

*The Romans, who understood and respected the right of war better than any nation in the world, were so scrupulous in this respect that a Citizen was not allowed to serve as a volunteer unless he had expressly engaged himself against the enemy, and against the particular enemy by name. When a Legion in which Cato the Younger was serving for the first time under Popilius had been reorganized, Cato the Elder wrote to Popilius that if he wanted his son to continue to serve under him, Popilius would have to have him take the military oath again, because the first oath being annulled, he could no longer bear arms against the enemy. And the same Cato wrote his son to be careful not to appear in combat without swearing this new oath. I know that the siege of Clusium and other specific events can be raised in contradiction to this, but I cite laws and practices. The Romans were the people who least often transgressed their laws, and they are the only people who had such fine ones.[25]

Even assuming this terrible right to kill everyone, I say that a man enslaved in war or a conquered people is in no way obligated toward his master, except to obey for as long as he is forced to do so. In taking the equivalent of his life, the victor has not spared it; rather than to kill him purposelessly, he has killed him usefully. Therefore, far from the victor having acquired any authority over him in addition to force, the state of war subsists between them as before; their relation itself is its effect, and the customs of the right of war suppose that there has not been a peace treaty. They made a convention, true; but that convention, far from destroying the state of war, assumes its continuation.

Thus, from whatever point of view things are considered, the right of slavery is null, not merely because it is illegitimate, but because it is absurd and signifies nothing. These words *slavery* and *right* are contradictory; they are mutually exclusive. Whether it is said by one man to another or by a man to a people, the following speech will always be equally senseless: *I make a convention with you that is entirely at your expense and entirely for my benefit; that I shall observe for as long as I want, and that you shall observe for as long as I want.*

Chapter V: That It Is Always Necessary to Go Back to a First Convention

Even if I were to grant everything I have thus far refuted, the proponents of despotism would be no better off.[27] There will always be a great difference between subjugating a multitude and governing a society. If scattered men, however many there may be, are successively enslaved by one individual, I see only a master and slaves; I do not see a people and its leader. It is an aggregation, if you wish, but not an association. It has neither public good nor body politic. That man, even if he had enslaved half the world, is nothing but a private individual. His interest, separate from that of the others, is still nothing but a private interest. If this same man dies, thereafter his empire is left scattered and without bonds, just as an oak tree disintegrates and falls into a heap of ashes after fire has consumed it.

A people, says Grotius, can give itself to a king. According to Grotius, a people is therefore a people before it gives itself to a king. This gift itself is a civil act; it presupposes a public deliberation. Therefore, before examining the act by which a people elects a king, it would be well to examine the act by which a people becomes a people. For this act, being necessarily prior to the other, is the true basis of society.

Indeed, if there were no prior convention, what would become of the obligation for the minority to submit to the choice of the majority, un-

less the election were unanimous; and where do one hundred who want a master get the right to vote for ten who do not? The law of majority rule is itself an established convention, and presupposes unanimity at least once.[28]

Chapter VI: On the Social Compact

I assume that men have reached the point where obstacles to their self-preservation in the state of nature prevail by their resistance over the forces each individual can use to maintain himself in that state.[29] Then that primitive state can no longer subsist and the human race would perish if it did not change its manner of living.

Now since men cannot engender new forces, but merely unite and direct existing ones, they have no other means of self-preservation except to form, by aggregation, a sum of forces that can prevail over the resistance; set them to work by a single motivation; and make them act in concert.

This sum of forces can arise only from the cooperation of many. But since each man's force and freedom are the primary instruments of his self-preservation, how is he to engage them without harming himself and without neglecting the cares he owes to himself? In the context of my subject, this difficulty can be stated in these terms:

"Find a form of association that defends and protects the person and goods of each associate with all the common force, and by means of which each one, uniting with all, nevertheless obeys only himself and remains as free as before." This is the fundamental problem which is solved by the social contract.

The clauses of this contract are so completely determined by the nature of the act that the slightest modification would render them null and void. So that although they may never have been formally pronounced, they are everywhere the same, everywhere tacitly accepted and recognized, until the social compact is violated, at which point each man recovers his original rights and resumes his natural freedom, thereby losing the conventional freedom for which he renounced it.[30]

Properly understood, all of these clauses come down to a single one, namely the total alienation of each associate, with all his rights, to the whole community. For first of all, since each one gives his entire self, the condition is equal for everyone, and since the condition is equal for everyone, no one has an interest in making it burdensome for the others.

Furthermore, as the alienation is made without reservation, the union is as perfect as it can be, and no associate has anything further to claim. For if some rights were left to private individuals, there would be no common superior who could judge between them and the public. Each man

being his own judge on some point would soon claim to be so on all; the state of nature would subsist and the association would necessarily become tyrannical or ineffectual.

Finally, as each gives himself to all, he gives himself to no one; and since there is no associate over whom one does not acquire the same right one grants him over oneself, one gains the equivalent of everything one loses, and more force to preserve what one has.[31]

If, then, everything that is not of the essence of the social compact is set aside, one will find that it can be reduced to the following terms. *Each of us puts his person and all his power in common under the supreme direction of the general will; and in a body we receive each member as an indivisible part of the whole.*

Instantly, in place of the private person of each contracting party, this act of association produces a moral and collective body, composed of as many members as there are voices in the assembly, which receives from this same act its unity, its common *self*, its life, and its will. This public person, formed by the union of all the others, formerly took the name *City*,* and now takes that of *Republic* or *body politic*, which its members call *State* when it is passive, *Sovereign* when active, *Power* when comparing it to similar bodies. As for the associates, they collectively take the name *people*; and individually are called *Citizens* as participants in the sovereign authority, and *Subjects* as subject to the laws of the State. But these terms are often mixed up and mistaken for one another. It is enough to know how to distinguish them when they are used with complete precision.

Chapter VII: On the Sovereign

This formula shows that the act of association includes a reciprocal engagement between the public and private individuals, and that each individual, contracting with himself so to speak, finds himself engaged in a double relation, namely toward private individuals as a member of the

* The true meaning of this word has been almost entirely lost among modern men. Most of them mistake a town for a City, and a bourgeois for a Citizen. They do not know that houses make the town, but that Citizens make the City. This same error was very costly to the Carthaginians long ago. I have not read that the title *Cives* has ever been given to the subjects of any Prince—even in ancient times to the Macedonians or currently to the English, although they are closer to freedom than all others. Only the French use the name *Citizens* with complete familiarity, because they have no true idea of its meaning, as can be seen from their Dictionaries. If this were not the case, in usurping it they would be guilty of the crime of High Treason. For the French, this name expresses a virtue and not a right. When Bodin wanted to talk about our Citizens and Bourgeois, he made a gross blunder in taking one for the other. M. d'Alembert did not confuse them, and in his article *Geneva* carefully distinguished the four orders of men (even five counting simple foreigners) who are in our town, and of whom only two compose the Republic. No other French author, to my knowledge, has understood the true meaning of the word *Citizen*.[32]

Sovereign and toward the Sovereign as a member of the State.[33] But the maxim of civil right that no one can be held responsible for engagements toward himself cannot be applied here, because there is a great difference between being obligated to oneself, or to a whole of which one is a part.

It must further be noted that the public deliberation that can obligate all of the subjects to the Sovereign—due to the two different relationships in which each of them is considered—cannot for the opposite reason obligate the Sovereign toward itself; and that consequently it is contrary to the nature of the body politic for the Sovereign to impose on itself a law it cannot break. Since the sovereign can only be considered in a single relationship, it is then in the situation of a private individual contracting with himself. It is apparent from this that there is not, nor can there be, any kind of fundamental law that is obligatory for the body of the people, not even the social contract. This does not mean that this body cannot perfectly well enter an engagement toward another with respect to things that do not violate this contract. For with reference to the foreigner, it becomes a simple being or individual.

But the body politic or the Sovereign, deriving its being solely from the sanctity of the contract, can never obligate itself, even toward another, to do anything that violates that original act, such as to alienate some part of itself or to subject itself to another Sovereign. To violate the act by which it exists would be to destroy itself, and whatever is nothing, produces nothing.[34]

As soon as this multitude is thus united in a body, one cannot harm one of the members without attacking the body, and it is even less possible to harm the body without the members feeling the effects. Thus duty and interest equally obligate the two contracting parties to mutual assistance, and the same men should seek to combine in this double relationship all the advantages that are dependent on it.

Now the Sovereign, formed solely by the private individuals composing it, does not and cannot have any interest contrary to theirs. Consequently, the Sovereign power has no need of a guarantee toward the subjects, because it is impossible for the body ever to want to harm all its members, and we shall see later that it cannot harm any one of them as an individual. The Sovereign, by the sole fact of being, is always what it ought to be.[35]

But the same is not true of the subjects in relation to the Sovereign, which, despite the common interest, would have no guarantee of the subjects' engagements if it did not find ways to be assured of their fidelity.

Indeed, each individual can, as a man, have a private will contrary to or

differing from the general will he has as a Citizen. His private interest can speak to him quite differently from the common interest. His absolute and naturally independent existence can bring him to view what he owes the common cause as a free contribution, the loss of which will harm others less than its payment burdens him. And considering the moral person of the State as a being produced by reason because it is not a man, he might wish to enjoy the rights of the citizen without wanting to fulfill the duties of a subject, an injustice whose spread would cause the ruin of the body politic.[36]

Therefore, in order for the social compact not to be an ineffectual formula, it tacitly includes the following engagement, which alone can give force to the others: that whoever refuses to obey the general will shall be constrained to do so by the entire body; which means only that he will be forced to be free.[37] For this is the condition that, by giving each Citizen to the fatherland, guarantees him against all personal dependence; a condition that creates the ingenuity and functioning of the political machine, and alone gives legitimacy to civil engagements which without it would be absurd, tyrannical, and subject to the most enormous abuses.

Chapter VIII: On the Civil State

This passage from the state of nature to the civil state produces a remarkable change in man, by substituting justice for instinct in his behavior and giving his actions the morality they previously lacked.[38] Only then, when the voice of duty replaces physical impulse and right replaces appetite, does man, who until that time only considered himself, find himself forced to act upon other principles and to consult his reason before heeding his inclinations. Although in this state he deprives himself of several advantages given him by nature, he gains such great ones, his faculties are exercised and developed, his ideas broadened, his feelings ennobled, and his whole soul elevated to such a point that if the abuses of this new condition did not often degrade him beneath the condition he left, he ought ceaselessly to bless the happy moment that tore him away from it forever, and that changed him from a stupid, limited animal into an intelligent being and a man.

Let us reduce the pros and cons to easily compared terms. What man loses by the social contract is his natural freedom and an unlimited right to everything that tempts him and that he can get; what he gains is civil freedom and the proprietorship of everything he possesses. In order not to be mistaken about these compensations, one must distinguish carefully between natural freedom, which is limited only by the force of the

individual, and civil freedom, which is limited by the general will; and between possession, which is only the effect of force or the right of the first occupant, and property, which can only be based on a positive title.

To the foregoing acquisitions of the civil state could be added moral freedom, which alone makes man truly the master of himself. For the impulse of appetite alone is slavery, and obedience to the law one has prescribed for oneself is freedom. But I have already said too much about this topic, and the philosophic meaning of the word *freedom* is not my subject here.

Chapter IX: On Real Estate

Each member of the community gives himself to it at the moment of its formation, just as he currently is—both himself and all his force, which includes the goods he possesses.[39] It is not that by this act possession, in changing hands, changes its nature and becomes property in the hands of the Sovereign. But as the force of the City is incomparably greater than that of a private individual, public possession is by that very fact stronger and more irrevocable, without being more legitimate, at least as far as foreigners are concerned. For with regard to its members, the State is master of all their goods through the social contract, which serves within the State as the basis of all rights. But with regard to other Powers, it is master only through the right of the first occupant, which it derives from the private individuals.

The right of the first occupant, although more real than the right of the strongest, becomes a true right only after the establishment of the right of property. Every man naturally has a right to everything he needs; but the positive act that makes him the proprietor of some good excludes him from all the rest. Once his portion is designated, he should limit himself to it, and no longer has any right to the community's goods. That is why the right of the first occupant, so weak in the state of nature, is respectable to every civil man. In this right, one respects not so much what belongs to others as what does not belong to oneself.

In general, the following conditions are necessary to authorize the right of the first occupant to any land whatsoever. First, that this land not yet be inhabited by anyone. Second, that one occupy only the amount needed to subsist. Third, that one take possession not by a vain ceremony, but by labor and cultivation, the only sign of property that others ought to respect in the absence of legal titles.

Indeed, by granting the right of the first occupant to need and labor hasn't it been extended as far as possible? Is it impossible to establish limits to this right? Will setting foot on a piece of common ground be

sufficient to claim on the spot to be its master? Will having the force to disperse other men for a moment be sufficient to take away forever their right to return? How can a man or a people seize an immense territory and deprive the whole human race of it except through punishable usurpation, since this act takes away from the remaining men the dwelling place and foods that nature gives them in common? When Nuñez Balboa, standing on the shore, took possession of the South Sea and all of South America in the name of the crown of Castile, was this enough to dispossess all the inhabitants and exclude all the Princes of the world? On that basis such ceremonies multiplied rather ineffectually, and all the Catholic King had to do was to take possession of the entire universe all at once from his study, subsequently eliminating from his empire what had previously been possessed by other Princes.

It is understandable how the combined and contiguous lands of private individuals become public territory, and how the right of sovereignty, extending from the subjects to the ground they occupy, comes to include both property and persons, which places those who possess land in a greater dependency and turns even their force into a guarantee of their loyalty. This advantage does not appear to have been well understood by ancient monarchs who, only calling themselves Kings of the Persians, the Scythians, the Macedonians, seem to have considered themselves leaders of men rather than masters of the country. Today's kings more cleverly call themselves Kings of France, Spain, England, etc. By thus holding the land, they are quite sure to hold its inhabitants.

What is extraordinary about this alienation is that far from plundering private individuals of their goods, by accepting them the community thereby only assures them of legitimate possession, changes usurpation into a true right, and use into property. Then, since the possessors are considered as trustees of the public goods, and since their rights are respected by all the members of the State and maintained with all its force against foreigners, through a transfer that is advantageous to the public and even more so to themselves, they have, so to speak, acquired all they have given. This paradox is easily explained by the distinction between the rights of the sovereign and of the proprietor to the same resource, as will be seen hereafter.

It can also happen that men start to unite before possessing anything and that subsequently taking over a piece of land sufficient for all, they use it in common or divide it among themselves, either equally or according to proportions established by the Sovereign. However this acquisition is made, the right of each private individual to his own resources is always subordinate to the community's right to all, without which there would

be neither solidity in the social bond nor real force in the exercise of Sovereignty.

I shall end this chapter and this book with a comment that ought to serve as the basis of the whole social system. It is that rather than destroying natural equality, the fundamental compact on the contrary substitutes a moral and legitimate equality for whatever physical inequality nature may have placed between men, and that although they may be unequal in force or in genius, they all become equal through convention and by right.*

END OF THE FIRST BOOK

* Under bad governments, this equality is only apparent and illusory. It serves merely to maintain the poor man in his misery and the rich in his usurpation. In fact, laws are always useful to those who have possessions and harmful to those who have nothing. It follows from this that the social state is only advantageous to men insofar as they all have something and none of them has anything superfluous.[40]

BOOK II

CHAPTER I: THAT SOVEREIGNTY IS INALIENABLE

The first and most important consequence of the principles established above is that the general will alone can guide the forces of the State according to the end for which it was instituted, which is the common good.[41] For if the opposition of private interests made the establishment of societies necessary, it is the agreement of these same interests that made it possible. It is what these different interests have in common that forms the social bond, and if there were not some point at which all the interests are in agreement, no society could exist. Now it is uniquely on the basis of this common interest that society ought to be governed.

I say, therefore, that sovereignty, being only the exercise of the general will, can never be alienated, and that the sovereign, which is only a collective being, can only be represented by itself. Power can perfectly well be transferred, but not will.

Indeed, though it is not impossible for a private will to agree with the general will on a given point, it is impossible, at least, for this agreement to be lasting and unchanging. For the private will tends by its nature toward preferences, and the general will toward equality. It is even more impossible for there to be a guarantee of this agreement even should it always exist. It would not be the result of art, but of chance. The Sovereign may well say, "I currently want what a particular man wants, or at least what he says he wants." But it cannot say, "What that man will want tomorrow, I shall still want," since it is absurd for the will to tie itself down for the future and since no will can consent to anything that is contrary to the good of the being that wills. Therefore, if the people promises simply to obey, it dissolves itself by that act; it loses the status of a people. The moment there is a master, there is no longer a Sovereign, and from then on the body politic is destroyed.

This is not to say that the commands of leaders cannot pass for expressions of the general will, as long as the Sovereign, being free to oppose them, does not do so. In such a case, one ought to presume the consent of the people from universal silence. This will be explained at greater length.

CHAPTER II: THAT SOVEREIGNTY IS INDIVISIBLE

For the same reason that sovereignty is inalienable, it is indivisible.[42] Because either the will is general* or it is not. It is the will of the people as a body, or of only a part. In the first case, this declared will is an act of

*In order for a will to be general, it is not always necessary for it to be unanimous, but it is necessary that all votes be counted. Any formal exclusion destroys the generality.

sovereignty and constitutes law. In the second case, it is merely a private will or an act of magistracy; it is at most a decree.

But our political thinkers, unable to divide the principle of sovereignty, divide it in its object. They divide it into force and will; into legislative power and executive power; into rights of taxation, justice, and war; into internal administration and power to negotiate with foreigners. Sometimes they mix all these parts together, sometimes they separate them. They turn the sovereign into a fantastic being formed of bits and pieces. It is as though they constructed a man out of several bodies, one of which would have eyes, another arms, another feet, and nothing more. Japanese charlatans are said to cut up a child right in front of the audience; then, tossing all the parts into the air one after another, they make the child come back down alive and in one piece. The juggling acts of our political thinkers are about like that. After they have taken the social body apart by a trick worthy of a carnival, they put the pieces back together in some unknown way.

This error comes from not having developed exact concepts of sovereign authority, and from having mistaken for parts of that authority what were merely emanations from it. Thus, for example, the acts of declaring war and making peace have been regarded as acts of sovereignty, which they are not, since each of these acts is not a law but merely an application of the law, a particular act which determines the legal situation, as will be clearly seen when the idea attached to the word *law* is established.[43]

By examining the other divisions in the same way, it would be found that every time it is thought that sovereignty is divided, a mistake has been made, and that the rights that are mistaken for parts of that sovereignty are always subordinate to it and always presuppose supreme wills which these rights merely execute.

It is hard to overestimate how much this lack of precision has obscured the decisions of authors on the subject of political right when they wanted to judge the respective rights of kings and peoples on the basis of the principles they had established. In chapters III and IV of the first book of Grotius, anyone can see how this learned man and his translator Barbeyrac get entangled and trapped in their sophisms, for fear of saying too much or not enough according to their viewpoints, and of offending the interests they needed to reconcile. Grotius—taking refuge in France, discontent with his fatherland, and wanting to pay court to Louis XIII to whom his book is dedicated—spares nothing to divest the people of all their rights and to endow kings with them as artfully as possible. This would certainly have been the preference of Barbeyrac, too, who dedicated his translation to King George I of England. But unfortunately the

expulsion of James II, which he calls abdication, forced him to be cautious, evasive, and equivocal so as not to make William appear to be a usurper. If these two writers had adopted the true principles, all their difficulties would have been avoided and they would always have been consistent. But they would have told the truth with regret and paid court only to the people. For truth does not lead to fortune, and the people does not confer embassies, professorships, or pensions.

Chapter III: Whether the General Will Can Err

From the foregoing it follows that the general will is always right and always tends toward the public utility. But it does not follow that the people's deliberations always have the same rectitude. One always wants what is good for oneself, but one does not always see it. The people is never corrupted, but it is often fooled, and only then does it appear to want what is bad.

There is often a great difference between the will of all and the general will. The latter considers only the common interest; the former considers private interest, and is only a sum of private wills. But take away from these same wills the pluses and minuses that cancel each other out,* and the remaining sum of the differences is the general will.

If, when an adequately informed people deliberates, the Citizens were to have no communication among themselves, the general will would always result from the large number of small differences, and the deliberation would always be good. But when factions, partial associations at the expense of the large one, are formed, the will of each of these associations becomes general with reference to its members and particular with reference to the State. One can say, then, that there are no longer as many voters as there are men, but merely as many as there are associations. The differences become less numerous and produce a result that is less general. Finally, when one of these associations is so big that it prevails over all the others, the result is no longer a sum of small differences, but a single difference. Then there is no longer a general will, and the opinion that prevails is merely a private opinion.

In order for the general will to be well expressed, it is therefore important that there be no partial society in the State, and that each Citizen

**Each interest*, says the Marquis d'Argenson, *has different principles. The agreement of two private interests is formed in opposition to the interest of a third.*[44] He could have added that the agreement of all interests is formed in opposition to the interest of each. If there were no different interests, the common interest, which would never encounter any obstacle, would scarcely be felt. Everything would run smoothly by itself and politics would cease to be an art.

give only his own opinion.* Such were the unique and sublime institutions by the great Lycurgus. If there are partial societies, their number must be multiplied and their inequality prevented, as was done by Solon, Numa, and Servius. These precautions are the only ones good for ensuring that the general will is always enlightened and that the people is not deceived.[46]

Chapter IV: On the Limits of the Sovereign Power

If the State or the City is only a moral person whose life consists in the union of its members, and if the most important of its concerns is that of its own preservation, it must have a universal, compulsory force to move and arrange each part in the manner best suited to the whole.[47] Just as nature gives each man absolute power over all his members, the social compact gives the body politic absolute power over all its members, and it is this same power, directed by the general will, which as I have said bears the name sovereignty.

But in addition to the public person, we have to consider the private persons who compose it and whose life and freedom are naturally independent of it. It is a matter, then, of making a clear distinction between the respective rights of the Citizens and the Sovereign,** and between the duties that the former have to fulfill as subjects and the natural right which they ought to enjoy in their quality as men.

It is agreed that each person alienates through the social compact only that part of his power, goods, and freedom whose use matters to the community; but it must also be agreed that the Sovereign alone is the judge of what matters.[49]

A citizen owes the State all the services he can render it as soon as the Sovereign requests them. But the Sovereign, for its part, cannot impose on the subjects any burden that is useless to the community. It cannot even will to do so, for under the law of reason nothing is done without a cause, any more than under the law of nature.

The engagements that bind us to the social body are obligatory only because they are mutual, and their nature is such that in fulfilling them one cannot work for someone else without also working for oneself. Why is the general will always right and why do all constantly want the hap-

Vera cosa è, says Machiavelli, *che alcune divisioni nuocono alle Republiche, e alcune giovano: quelle nuocono che sono dalle sette e da partigiani accompagnate; quelle giovano che senza sette, senza partigiani si mantengono. Non potendo adunque provedere un fondatore d'una Republica che non siano nimicizie in quella, ha da proveder almeno che non vi siano sette.* History of Florence, Book VII.[45]

**Attentive readers, please do not be in a hurry to accuse me of inconsistency here. I have been unable to avoid it in my terminology, given the poverty of the language. But wait.[48]

piness of each, if not because there is no one who does not appropriate this word *each* to himself, and does not think of himself as he votes for all? Which proves that the equality of right, and the concept of justice it produces, are derived from each man's preference for himself and consequently from the nature of man; that the general will, to be truly such, should be general in its object as well as in its essence; that it should come from all to apply to all; and that it loses its natural rectitude when it is directed toward any individual, determinate object. Because then, judging what is foreign to us, we have no true principle of equity to guide us.

Indeed, as soon as it is a matter of fact or a particular right concerning a point that has not been regulated by a prior, general convention, the affair is in dispute. It is a lawsuit where the interested private individuals constitute one party and the public the other, but in which I see neither what law must be followed nor what judge should decide. In this case it would be ridiculous to want to turn to an express decision of the general will, which can only be the conclusion of one of the parties and which, for the other party, is consequently only a foreign, private will, showing injustice on this occasion and subject to error. Thus just as a private will cannot represent the general will, the general will in turn changes its nature when it has a particular object; and as a general will it cannot pass judgment on either a man or a fact. When the people of Athens, for example, appointed or dismissed its leaders, awarded honors to one or imposed penalties on another, and by means of a multitude of particular decrees performed indistinguishably all the acts of Government, the people then no longer had a general will properly speaking. It no longer acted as Sovereign, but as magistrate. This will appear contrary to commonly held ideas, but you must give me time to present my own.

It should be understood from this that what generalizes the will is not so much the number of votes as the common interest that unites them, because in this institution everyone necessarily submits himself to the conditions he imposes on others, an admirable agreement between interest and justice which confers on common deliberations a quality of equity that vanishes in the discussion of private matters, for want of a common interest that unites and identifies the rule of the judge with that of the party.

However one traces the principle, one always reaches the same conclusion, namely that the social compact establishes an equality between the citizens such that they all engage themselves under the same conditions and should all benefit from the same rights. Thus by the very nature of the compact, every act of sovereignty, which is to say every authentic act of the general will, obligates or favors all Citizens equally, so that the Sover-

eign knows only the nation as a body and makes no distinctions between any of those who compose it. What really is an act of sovereignty then? It is not a convention between a superior and an inferior, but a convention between the body and each of its members. A convention that is legitimate because it has the social contract as a basis; equitable, because it is common to all; useful, because it can have no other object than the general good; and solid, because it has the public force and the supreme power as guarantee. As long as subjects are subordinated only to such conventions, they do not obey anyone, but solely their own will; and to ask how far the respective rights of the Sovereign and of Citizens extend is to ask how far the latter can engage themselves to one another, each to all and all to each.

It is apparent from this that the Sovereign power, albeit entirely absolute, entirely sacred, and entirely inviolable, does not and cannot exceed the limits of the general conventions, and that every man can fully dispose of the part of his goods and freedom that has been left to him by these conventions. So that the Sovereign never has the right to burden one subject more than another, because then the matter becomes individual, and its power is no longer competent.

Once these distinctions are acknowledged, it is so false that the social contract involves any true renunciation on the part of private individuals that their situation, by the effect of this contract, is actually preferable to what it was beforehand; and instead of an alienation, they have only exchanged to their advantage an uncertain, precarious mode of existence for another that is better and safer; natural independence for freedom; the power to harm others for their personal safety; and their force, which others could overcome, for a right which the social union makes invincible. Their life itself, which they have dedicated to the State, is constantly protected by it; and when they risk it for the State's defense, what are they then doing except to give back to the State what they have received from it? What are they doing that they did not do more often and with greater danger in the state of nature, when waging inevitable fights they defend at the risk of their life that which preserves it for them? It is true that everyone has to fight, if need be, for the fatherland, but also no one ever has to fight for himself. Don't we still gain by risking, for something that gives us security, a part of what we would have to risk for ourselves as soon as our security is taken away?

Chapter V: On the Right of Life and Death

It is asked how private individuals who have no right to dispose of their own lives can transfer to the Sovereign a right they do not have.[50] This question appears hard to resolve only because it is badly put. Every

man has a right to risk his own life in order to preserve it. Has it ever been said that someone who jumps out of a window to escape a fire is guilty of suicide? Has this crime ever even been imputed to someone who dies in a storm, although he was aware of the danger when he set off?

The social treaty has the preservation of the contracting parties as its end. Whoever wants the end also wants the means, and these means are inseparable from some risks, even from some losses. Whoever wants to preserve his life at the expense of others should also give it up for them when necessary. Now the Citizen is no longer judge of the risk to which the law wills that he be exposed, and when the Prince has said to him, "It is expedient for the State that you should die," he ought to die; because it is only under this condition that he has lived in safety up to that point, and because his life is no longer only a favor of nature, but a conditional gift of the State.

The death penalty inflicted on criminals can be considered from approximately the same point of view: it is in order not to be the victim of a murderer that a person consents to die if he becomes one. Under this treaty, far from disposing of one's own life, one only thinks of guaranteeing it; and it cannot be presumed that any of the contracting parties is at that time planning to have himself hanged.

Besides, every offender who attacks the social right becomes through his crimes a rebel and traitor to his fatherland; he ceases to be one of its members by violating its laws, and he even wages war against it. Then the State's preservation is incompatible with his own, so one of the two must perish; and when the guilty man is put to death, it is less as a Citizen than as an enemy. The proceedings and judgment are the proofs and declaration that he has broken the social treaty, and consequently is no longer a member of the State. Now as he had acknowledged himself to be such, at the very least by his residence, he ought to be removed from it by exile as a violator of the compact or by death as a public enemy. For such an enemy is not a moral person but a man, and in this case the right of war is to kill the vanquished.

But it will be said that the condemnation of a Criminal is a particular act. Agreed—hence this condemnation is not to be made by the Sovereign. It is a right the Sovereign can confer without itself being able to exercise it. All of my ideas fit together, but I can hardly present them simultaneously.

Moreover, frequent corporal punishment is always a sign of weakness or laziness in the Government. There is no wicked man who could not be made good for something. One only has the right to put to death, even as an example, someone who cannot be preserved without danger.

With regard to the right to pardon, or to exempt a guilty man from the

penalty prescribed by the law and pronounced by the judge, this belongs only to one who is above the judge and the law—which is to say, to the Sovereign. Yet its right in this matter is not very clear and the cases in which it is applied are very rare. In a well-governed State, there are few punishments, not because many pardons are given, but because there are few criminals. When the State declines, a high number of crimes guarantees their impunity. Under the Roman Republic, the Senate and Consuls never tried to pardon. The people itself did not do so, although it sometimes revoked its own judgment. Frequent pardons indicate that crimes will soon have no further need of them, and everyone sees where that leads. But I feel that my heart murmurs and holds back my pen. Let these questions be discussed by the just man who has never transgressed and who never needed pardon himself.

Chapter VI: On Law

Through the social compact we have given the body politic existence and life; the issue now is to give it movement and will through legislation.[51] For the original act which forms and unites this body does not thereby determine anything about what it should do to preserve itself.

Whatever is good and in accordance with order is so by the nature of things, independently of human conventions. All justice comes from God; He alone is its source. But if we knew how to receive it from on high, we would need neither government nor laws. There is without doubt a universal justice emanating from reason alone;[52] but to be acknowledged among us, this justice must be reciprocal. Considering things from a human point of view, the laws of justice are ineffectual among men for want of a natural sanction. They merely benefit the wicked man and harm the just, when the latter observes them toward everyone while no one observes them toward him. Therefore, there must be conventions and laws to combine rights with duties and to bring justice back to its object. In the state of nature where everything is in common, I owe nothing to those to whom I have promised nothing; I recognize as belonging to someone else only what is useless to me. It is not the same in the civil state where all rights are fixed by the law.

But what is a law after all? As long as people are satisfied to attach only metaphysical ideas to this word, they will continue to reason without understanding each other, and when they have stated what a law of nature is, they will not thereby have a better idea of what a law of the State is.

I have already said that there is no general will concerning a particular object. Indeed, that particular object is either within the State or outside of the State. If it is outside of the State, a will that is foreign to it is not

general in relation to it. And if within the State, that object is part of it. Then a relation between the whole and its parts is formed which makes of them two separate Beings, one of which is the part and the other of which is the whole minus that part. But the whole minus a part is not the whole, and for as long as this relationship lasts, there is no whole, but rather two unequal parts. It follows from this that the will of one of them is no longer general in relation to the other.

But when the entire people enacts something concerning the entire people, it considers only itself, and if a relationship is formed then, it is between the whole object viewed in one way and the whole object viewed in another, without any division of the whole. Then the subject matter of the enactment is general like the will that enacts. It is this act that I call a law.

When I say that the object of the laws is always general, I mean that the law considers the subjects as a body and actions in the abstract, never a man as an individual or a particular action. Thus the law can very well enact that there will be privileges, but it cannot confer them on anyone by name. The law can create several Classes of Citizens, and even designate the qualities determining who has a right to these classes, but it cannot name the specific people to be admitted to them. It can establish a royal Government and hereditary succession, but it cannot elect a king or name a royal family. In short, any function that relates to an individual object does not belong to the legislative power.

Given this idea, one sees immediately that it is no longer necessary to ask who should make laws, since they are acts of the general will; nor whether the Prince is above the laws, since he is a member of the State; nor whether the law can be unjust, since no one is unjust toward himself; nor how one is free yet subject to the laws, since they merely record our wills.

Furthermore, one sees that since the law combines the universality of the will and that of the object, what any man, whoever he may be, orders on his own authority is not a law. Whatever is ordered even by the Sovereign concerning a particular object is not a law either, but rather a decree; nor is it an act of sovereignty, but of magistracy.

I therefore call every State ruled by laws a Republic, whatever the form of administration may be, for then alone the public interest governs and the commonwealth really exists. Every legitimate Government is republican.* I shall explain later what Government is.

* By this word I do not mean only an Aristocracy or a Democracy, but in general any government guided by the general will, which is the law. In order to be legitimate, the Government must not be confounded with the Sovereign, but must be its minister. Then monarchy itself is a republic. This will become clearer in the next book.

Laws are properly speaking only the conditions of the civil association. The People that is subject to the laws ought to be their author. Only those who are forming an association have the right to regulate the conditions of the society. But how will they regulate these conditions? Will it be in common accord, by sudden inspiration? Does the body politic have an organ to enunciate its will? Who will give it the necessary foresight to formulate acts and publish them in advance, or how will it pronounce them in time of need? How will a blind multitude, which often does not know what it wants because it rarely knows what is good for it, execute by itself an undertaking as vast and as difficult as a system of legislation? By itself, the people always wants the good, but by itself it does not always see it. The general will is always right, but the judgment that guides it is not always enlightened. It must be made to see objects as they are, or sometimes as they should appear to be; shown the good path it seeks; safeguarded against the seduction of private wills; shown how to assimilate considerations of time and place; taught to weigh the attraction of present, tangible advantages against the danger of remote, hidden ills. Private individuals see the good they reject; the public wants the good it does not see. All are equally in need of guides. The former must be obligated to make their wills conform to their reason. The latter must be taught to know what it wants. Then public enlightenment results in the union of understanding and will in the social body; hence the complete cooperation of the parts, and finally the greatest force of the whole. From this arises the necessity for a legislator.

Chapter VII: On the Legislator

The discovery of the best rules of society suited to Nations would require a superior intelligence, who saw all of men's passions yet experienced none of them; who had no relationship at all to our nature yet knew it thoroughly; whose happiness was independent of us, yet who was nevertheless willing to attend to ours; finally one who, preparing for himself a future glory with the passage of time, could work in one century and enjoy the reward in another.*[53] Gods would be needed to give laws to men.

The same reasoning Caligula used with respect to fact was used by Plato with respect to right in defining the civil or royal man he seeks in the *Statesman*. But if it is true that a great Prince is a rare man, what about a great Legislator? The former only has to follow the model that the latter

*A people only becomes famous when its legislation starts to decline. It is not known for how many centuries the institutions founded by Lycurgus caused the happiness of the Spartans before the rest of Greece became aware of them.

should propose. The latter is the mechanic who invents the machine; the former is only the workman who puts it together and starts it running. At the birth of societies, says Montesquieu, the leaders of republics create the institutions; thereafter, it is the institutions that form the leaders of republics.[54]

One who dares to undertake the founding of a people should feel that he is capable of changing human nature, so to speak; of transforming each individual, who by himself is a perfect and solitary whole, into a part of a larger whole from which this individual receives, in a sense, his life and his being; of altering man's constitution in order to strengthen it; of substituting a partial and moral existence for the physical and independent existence we have all received from nature. He must, in short, take away man's own forces in order to give him forces that are foreign to him and that he cannot make use of without the help of others. The more these natural forces are dead and destroyed, and the acquired ones great and lasting, the more the institution as well is solid and perfect. So that if each Citizen is nothing, and can do nothing, except with all the others, and if the force acquired by the whole is equal or superior to the sum of the natural forces of all the individuals, it may be said that legislation has reached its highest possible point of perfection.

The legislator is an extraordinary man in the State in all respects. If he should be so by his genius, he is no less so by his function. It is not magistracy, it is not sovereignty. This function, which constitutes the republic, does not enter into its constitution. It is a particular and superior activity that has nothing in common with human dominion. For if one who commands men should not command laws, one who commands laws should also not command men. Otherwise his laws, ministers of his passions, would often only perpetuate his injustices, and he could never avoid having private views alter the sanctity of his work.

When Lycurgus gave his fatherland laws, he began by abdicating the Throne. It was the custom of most Greek cities to entrust the establishment of their laws to foreigners. The modern Republics of Italy often imitated this practice. The republic of Geneva did so too, with good results.* During its finest period Rome saw all the crimes of Tyranny revived in its midst, and nearly perished as a result of combining legislative authority and sovereign power in the same hands.

*Those who only consider Calvin as a theologian do not understand the extent of his genius. The drawing up of our wise Edicts, in which he played a large part, does him as much honor as his *Institutes*. Whatever revolution time may bring about in our cult, as long as love of the fatherland and liberty is not extinguished among us, the memory of that great man will never cease to be blessed.[55]

However even the Decemvirs never took upon themselves the right to have any law passed solely on their authority. *Nothing that we propose*, they said to the people, *can become law without your consent. Romans, be yourselves the authors of the laws that should create your happiness.*[56]

He who drafts the laws, therefore, does not or should not have any legislative right. And the people itself cannot, even if it wanted to, divest itself of this incommunicable right, because according to the fundamental compact, only the general will obligates private individuals, and one can never be assured that a private will is in conformity with the general will until it has been submitted to the free vote of the people. I have already said this, but it is not useless to repeat it.

Thus one finds combined in the work of legislation two things that seem incompatible: an undertaking beyond human force and, to execute it, an authority that amounts to nothing.

Another difficulty deserves attention. Wise men who want to use their own language, rather than that of the common people, cannot be understood by the people. Now there are a thousand kinds of ideas that are impossible to translate into the language of the people. Overly general views and overly remote objects are equally beyond its grasp. Each individual, appreciating no other aspect of government than the one that relates to his private interest, has difficulty perceiving the advantages he should obtain from the continual deprivations imposed by good laws. In order for an emerging people to appreciate the healthy maxims of politics, and follow the fundamental rules of Statecraft, the effect would have to become the cause; the social spirit, which should be the result of the institution, would have to preside over the founding of the institution itself; and men would have to be prior to laws what they ought to become by means of laws. Since the Legislator is therefore unable to use either force or reasoning, he must necessarily have recourse to another order of authority, which can win over without violence and persuade without convincing.

This is what has always forced the fathers of nations to have recourse to the intervention of heaven and to honor the Gods with their own wisdom; so that the peoples, subjected to the laws of the State as to those of nature, and recognizing the same power in the formation of man and of the city, might obey with freedom and bear with docility the yoke of public felicity.

It is this sublime reason, which rises above the grasp of common men, whose decisions the legislator places in the mouth of the immortals in order to win over by divine authority those who cannot be moved by

human prudence.* But it is not every man who can make the Gods speak or be believed when he declares himself their interpreter. The Legislator's great soul is the true miracle that should prove his mission. Any man can engrave stone tablets, buy an oracle, pretend to have a secret relationship with some divinity, train a bird to talk in his ear, or find other crude ways to impress the people. One who knows only that much might even assemble, by chance, a crowd of madmen, but he will never found an empire, and his extravagant work will soon die along with him. False tricks can form a fleeting bond; wisdom alone can make it durable. The Jewish law, which is still in existence, and the law of the son of Ishmael, which has ruled half the world for ten centuries, still bear witness today to the great men who formulated them. And whereas proud philosophy or blind partisan spirit regards them merely as lucky imposters, the true political thinker admires in their institutions that great and powerful genius which presides over lasting establishments.[58]

One must not conclude from all this, as Warburton does, that politics and religion have a common object for us, but rather that at the origin of nations, one serves as an instrument of the other.[59]

Chapter VIII: On the People

Just as an architect, before putting up a big building, observes and tests the ground to see whether it can bear the weight, so the wise founder does not start by drafting laws that are good in themselves, but first examines whether the people for whom he destines them is suited to bear them.[60] For this reason, Plato refused to give laws to the Arcadians and Cyrenians, knowing that these two peoples were rich and could not tolerate equality. For this reason, there were good laws and wicked men in Crete, because Minos had disciplined only a people full of vices.

A thousand nations that have flourished on earth could never have tolerated good laws, and even those that could were only so disposed for a very short time during their entire existence. Most Peoples, like men, are docile only in their youth. They become incorrigible as they grow older. Once customs are established and prejudices have taken root, it is a dangerous and foolhardy undertaking to want to reform them. The people cannot even tolerate having their ills touched for the purpose of destroying them, like those stupid and cowardly patients who tremble at the sight of a doctor.

**E veramente*, says Machiavelli, *mai non fù alcuno ordinatore di leggi straordinarie in un popolo, che non ricorresse a Dio, perche altrimenti non sarebbero accettate; perche sono molti beni conosciuti da uno prudente, i quali non hanno in se raggioni evidenti da potergli persuadere ad altrui.* Discourses on Titus Livy, Book I, chapter 11.[57]

To be sure, just as men's minds are unhinged and their memory of the past erased by some illnesses, so there sometimes occur during the lifetime of States violent periods when revolutions have the same effect on peoples as do certain crises on individuals; when horror of the past is equivalent to amnesia, and when the State, set afire by civil wars, is reborn so to speak from its ashes and resumes the vigor of youth by escaping from death's clutches. Sparta in the time of Lycurgus and Rome after the Tarquins were like this, and among us so were Holland and Switzerland after the expulsion of the Tyrants.

But these events are rare; they are exceptions the reason for which can always be found in the particular constitution of the exceptional State. They cannot even occur twice for the same people; for it can liberate itself as long as it is merely barbarous, but can no longer do so when the civil machinery is worn out. Then, disturbances can destroy it, but revolutions cannot reestablish it, and as soon as its chains are broken, it falls apart and no longer exists. Henceforth it must have a master and not a liberator. Free peoples, remember this maxim: Freedom can be acquired, but it can never be recovered.

Youth is not childhood. For nations as for men there is a time of youth, or maturity if you prefer, that must be awaited before subjecting them to laws. But the maturity of a people is not always easy to recognize, and if it is anticipated, the work is ruined. One people is capable of discipline at birth, another is not after ten centuries. The Russians will never be truly civilized because they were civilized too early. Peter had the genius of imitation. He did not have true genius, the kind that creates and makes everything from nothing. A few of the things he did were good; most were out of place. He saw that his people was barbarous; he did not see that it was not ripe for a political order. He wanted to make it civilized when it only needed to be made warlike. He wanted first to make Germans and Englishmen, whereas it was necessary to begin by making Russians. He prevented his subjects from ever becoming what they could be by persuading them that they were what they are not. It is like the way a French Tutor molds his pupil to shine briefly during his childhood and thereafter never to amount to anything. The Russian empire would like to subjugate Europe and will itself be subjugated. The Tartars, its subjects or its neighbors, will become its masters and ours. This revolution appears inevitable to me. All the kings of Europe are working together to hasten it.

Chapter IX: Continued

Just as nature has set limits to the stature of a well-formed man, beyond which there are only Giants or Dwarfs, so with regard to the best constitution of a State there are limits to the dimensions it can have in order that it be neither too large to be well governed nor too small to be self-sustaining.[61] There is a maximum force in every body politic which it cannot exceed and of which it often falls short by growing larger. The more the social bond stretches, the looser it becomes, and in general a small State is proportionately stronger than a large one.

A thousand reasons prove this maxim. First, administration becomes more difficult over long distances, as a weight becomes heavier at the end of a bigger lever. It also becomes more burdensome as the number of levels multiplies, because each city first has its own administration paid for by the people; each district has one, again paid for by the people; next each province, then the large-scale governments—the Satrapies and Vice-royalties—that cost more the higher up one goes, and always at the expense of the unfortunate people. Finally there is the supreme administration which crushes everything. Such overtaxing continually exhausts the subjects. Far from being better governed by these different levels, they are less well governed than if there were only one over them. As it is, there barely remain resources for extraordinary cases, and when it is necessary to have recourse to them, the State is always on the brink of ruin.

That is not all. Not only does the Government have less vigor and speed to enforce the laws, prevent harassment, correct abuses, and forestall seditious undertakings that may occur in distant places, but also the people has less affection for leaders it never sees, for the fatherland which is like the whole world in its eyes, and for its fellow citizens, most of whom are foreigners to it. The same laws cannot be suited to such a variety of provinces, which have different morals, live in contrasting climates, and cannot tolerate the same form of government. Different laws only produce discord and confusion among peoples who, living under the same leaders and in constant communication, move or get married in each other's areas and, being subjected to other customs, never know whether their patrimony is really theirs. Talents are buried, virtues unknown, vices unpunished in this multitude of men who do not know one another and who are gathered together in one place by the location of the supreme administration. Leaders overburdened with work see nothing by themselves; functionaries govern the State. Finally, all the public attention is absorbed by the steps that must be taken to maintain the general authority, which so many distant Officials want to avoid or abuse.

Nothing is left for the people's happiness, and there is barely anything left for its defense if necessary. And thus a body that is too big for its constitution collapses and perishes, crushed by its own weight.

On the other hand, the State ought to procure a sufficient basis to be solid, to withstand the upheavals it is sure to go through and the efforts it will have to make to sustain itself. For all peoples have a kind of centrifugal force by which they constantly act upon each other and tend to grow at the expense of their neighbors, like Descartes's vortices. Thus the weak risk being rapidly swallowed up, and none can hope to preserve itself except by establishing a kind of equilibrium with all the others, which approximately equalizes the pressure on all.

It is apparent from this that there are reasons to expand and reasons to shrink, and it is not the least of the political thinker's talents to find among these reasons the proportion most advantageous to the preservation of the State. In general, it can be said that the former, being merely external and relative, should be subordinated to the latter, which are internal and absolute. A healthy, strong constitution is the first thing that must be sought, and one should rely more on the vigor born of a good government than on the resources furnished by a large territory.

Besides, there have been States so constituted that the necessity for conquests entered into their constitution itself, and that were forced to grow endlessly to maintain themselves. Perhaps they congratulated themselves greatly for this happy necessity, though it showed them, along with the limit of their size, the inevitable moment of their downfall.

Chapter X: Continued

A body politic can be measured in two ways, namely by the extent of its territory and by the number of its people; and there is an appropriate ratio between these two measures if the State is to be given its genuine size.[62] It is men who make up the State and the land feeds the men. This ratio therefore consists in there being enough land for the maintenance of its inhabitants and as many inhabitants as can be fed by the land. The maximum force of a given number of people is to be found in this proportion; for if there is too much land, its defense is burdensome, its cultivation inadequate, its output superfluous. This is the immediate cause of defensive wars. If there is not enough land, the State finds itself at the discretion of its neighbors for the supplement. This is the immediate cause of offensive wars. Every people whose position only gives it the alternative between commerce and war is intrinsically weak. It is dependent on its neighbors; it is dependent on events. It never has anything except an uncertain and brief existence. Either it conquers and alters its

situation or it is conquered and reduced to nothing. It cannot preserve its freedom except through small or great size.

One cannot calculate arithmetically a fixed ratio between the extent of land and the number of men that are mutually sufficient, as much because of differences in qualities of the terrain, its degrees of fertility, the nature of its products, and the influence of climate, as because of differences to be noted in the temperaments of the men who inhabit them, some of whom consume little in a fertile country, others a great deal on more sterile soil. Attention must also be paid to the greater or lesser fecundity of women, to what the country offers that is more or less favorable to population, to the number of people that the legislator can hope to attract there by means of what he establishes. Hence, the legislator's judgment should not be based on what he sees, but on what he foresees; nor should he give as much consideration to the present state of the population as to the state it should naturally attain. Finally, there are a thousand occasions when the particular accidents of a place require or permit the inclusion of more land than appears necessary. Thus one expands considerably in mountainous country where natural products, namely woods and pastures, require less work; where experience shows that women are more fecund than on the plains; and where a large amount of sloping land provides only a small horizontal area, which is all that can be counted on for vegetation. On the contrary, it is possible to shrink by the sea, even on nearly barren rocks and sand, because fishing can substitute substantially for products of the land, because men should be gathered more closely together to repulse pirates, and because it is, in addition, easier to relieve the country of surplus inhabitants by means of colonies.

To these conditions for founding a people must be added one that cannot substitute for any other, but without which all the rest are useless: the enjoyment of prosperity and peace. For the time when a State is organized, like that when a battalion is formed, is the instant when the body is least capable of resisting and easiest to destroy. There would be better resistance during absolute disorder than during a moment of ferment, when everyone is concerned about his status rather than the danger. Should a war, famine, or sedition occur in this time of crisis, the State is inevitably overthrown.

To be sure, many governments are established during such storms, but then it is these very governments that destroy the State. Usurpers always bring about or choose these times of troubles, taking advantage of public panic to pass destructive laws that the people would never adopt when calm. The choice of the moment of the founding is one of the surest ways to distinguish the work of a Legislator from that of a Tyrant.

What people, then, is suited for legislation? One that, though already bound by some union of origin, interest, or convention, has not yet borne the true yoke of laws. One that has neither customs nor superstitions that are deeply entrenched. One that does not fear being crushed by a sudden invasion and can, without becoming involved in its neighbors' quarrels, resist each of them by itself or use the help of one to drive away another. One where each member can be known to all, and where it is not necessary to impose on any man a greater burden than a man can bear. One that does not depend on other peoples, and on whom no other people depends.* One that is neither rich nor poor, and can be self-sufficient. Finally, one that combines the stability of an ancient people with the docility of a new people. What makes the work of legislation difficult is not so much what must be established as what must be destroyed. And what makes success so rare is the impossibility of finding the simplicity of nature together with the needs of society. All these conditions, it is true, are hard to find together. Hence one sees few well-constituted States.

In Europe there is still one country capable of legislation; it is the Island of Corsica. The valor and perseverance with which this courageous people was able to recover and defend its freedom would well deserve that some wise man should teach them how to preserve it. I have a feeling that some day this little Island will astound Europe.

Chapter XI: On the Various Systems of Legislation

If one seeks for precisely what constitutes the greatest good of all, which ought to be the end of every system of legislation, one will find that it comes down to these two principal objects: *freedom* and *equality*.[63] Freedom because all private dependence is that much force subtracted from the body of the State; equality because freedom cannot last without it.

I have already said what civil freedom is. With regard to equality, this word must not be understood to mean that degrees of power and wealth should be exactly the same, but rather that with regard to power, it should be incapable of all violence and never exerted except by virtue of status and the laws; and with regard to wealth, no citizen should be so opulent that he can buy another, and none so poor that he is constrained to sell himself. This presumes moderation in goods and influence on the part of

* If one of two neighboring peoples could not do without the other, the situation would be very hard for the former and very dangerous for the latter. In such a case, any wise nation will very quickly try to relieve the other of its dependency. The Republic of Thlascala, an enclave within the Mexican Empire, preferred doing without salt to buying it from the Mexicans, and even to accepting it free of charge. The wise Thlascalans saw the trap hidden beneath this generosity. They preserved their freedom; and this small State, enclosed within this great Empire, was finally the instrument of its ruin.

the upper classes and moderation in avarice and covetousness on the part of the lower classes.*

This equality is said to be a speculative fantasy that cannot exist in practice. But if abuse is inevitable, does it follow that it must not at least be regulated? It is precisely because the force of things always tends to destroy equality that the force of legislation should always tend to maintain it.

But these general objects of all good institutions should be modified in each country according to the relationships that arise as much from the local situation as from the character of the inhabitants, and it is on the basis of these relationships that each people must be assigned a particular system of institutions that is the best, not perhaps in itself, but for the State for which it is destined. For example, is the soil unprofitable and barren, or the country too small for its inhabitants? Turn to industry and the arts, the products of which can be exchanged for the foodstuffs you lack. On the contrary, do you inhabit rich plains and fertile hillsides? Do you lack inhabitants on good terrain? Apply all your efforts to agriculture, which multiplies men, and chase out the arts, which would merely complete the country's depopulation by concentrating its small number of inhabitants in a few locations.** Do you inhabit extensive, convenient shores? Cover the sea with ships; cultivate commerce and navigation. You will have a brilliant and brief existence. Is your coast merely a place where the sea meets almost inaccessible rocks? Remain barbarians and Fish Eaters; you will live more peacefully, better perhaps, and surely more happily. In short, apart from the maxims common to all, each people contains within itself some cause that organizes it in a particular manner and renders its legislation appropriate for it alone. Thus the Hebrews long ago and the Arabs recently have had Religion as their principal object; the Athenians, letters; Carthage and Tyre, commerce; Rhodes, navigation; Sparta, war; and Rome, virtue. The author of *The Spirit of Laws* has given large numbers of examples of the art by which the legislator directs the institutions toward each of these objects.[65]

The constitution of a State is made truly solid and enduring when matters of expediency are so well satisfied that natural relationships and

* Do you then want to give stability to the State? Bring the extremes as close together as possible: tolerate neither opulent people nor beggars. These two conditions, naturally inseparable, are equally fatal to the common good. From the one come those who foment tyranny and from the other the tyrants. It is always between them that trafficking in the public freedom takes place. The one buys it and the other sells it.

** Any type of foreign commerce, says the Marquis d'Argenson, spreads almost nothing but a deceptive utility for a kingdom in general. It can enrich some private individuals, even some towns; but the whole nation gains nothing from it and the people is not better off because of it.[64]

the laws always agree on the same points, and the latter only secure, accompany, and rectify, so to speak, the former. But if the Legislator makes a mistake about his objective and adopts a different principle from the one arising from the nature of things—whether one tends toward servitude and the other toward freedom, one toward wealth and the other toward population growth, or one toward peace and the other toward conquest—the laws will imperceptibly weaken, the constitution will be altered, and the State will not cease being agitated until it is either destroyed or changed, and invincible nature has regained its dominion.[66]

Chapter XII: Classification of Laws

Various relations have to be considered in order to organize the whole or give the commonwealth the best possible form.[67] First the action of the entire body acting upon itself—that is, the relationship of the whole to the whole, or of the Sovereign to the State; and this relationship is composed of the relationship of intermediary terms, as we shall see later.

The laws that regulate this relationship are named political laws, and are also called fundamental laws, not without a degree of reason if these laws are wise. For if there is only one correct way to organize each State, the people that has found it should abide by it; but if the established order is bad, why should one accept, as fundamental, laws that prevent it from being good? Besides, in any event a people is always the master to change its laws—even the best laws; for if it wishes to do itself harm, who has the right to prevent it from doing so?

The second relation is that of the members to each other or to the entire body. And this relationship should be as small as possible with respect to the former and as large as possible with respect to the latter, so that each Citizen is in a position of perfect independence from all the others and of excessive dependence upon the City. This is always achieved by the same means, because only the force of the State creates the freedom of its members. It is from this second relationship that civil laws arise.

It is possible to consider a third type of relation between man and the law, namely that of disobedience and penalty. And this gives rise to the establishment of criminal laws, which are basically not so much a particular type of law as a sanction for all the others.

To these three types of laws is added a fourth, the most important of all; which is not engraved on marble or bronze, but in the hearts of the citizens; which is the genuine constitution of the State; which gains fresh force each day; which, when other laws age or die out, revives or replaces them, preserves a people in the spirit of its institution, and imperceptibly substitutes the force of habit for that of authority. I am speaking of

morals, customs, and especially of opinion—a part of the laws unknown to our political thinkers, but on which the success of all the others depends; a part to which the great Legislator attends in secret while appearing to limit himself to the particular regulations that are merely the sides of the arch of which morals, slower to arise, form at last the unshakable Keystone.

Among these various Classes, political laws, which constitute the form of Government, are the only ones relevant to my subject.

END OF THE SECOND BOOK

BOOK III

Before discussing the various forms of Government, let us try to define the precise meaning of this word, which has not yet been very well explained.

CHAPTER I: ON GOVERNMENT IN GENERAL

I warn the reader that this chapter should be read carefully, and that I do not know the art of being clear for those who are not willing to be attentive.[68]

Every free action has two causes that combine to produce it. One is moral, namely the will that determines the act; the other is physical, namely the power that executes it. When I walk toward an object, I must first want to go there, and in the second place my feet must take me there. A paralyzed man who wants to run, or an agile man who does not want to do so, will both remain where they are.[69] The body politic has the same motivating causes; force and will are distinguishable within it in the same sense, the latter under the name *legislative power* and the former under the name *executive power*. Nothing is or should be done there without their cooperation.

We have seen that the legislative power belongs to the people and can belong only to it. It is easy to see, on the contrary, by the principles already established, that the executive power cannot belong to the general public in its Legislator's or Sovereign capacity, because this power consists solely of particular acts which are not within the jurisdiction of the law, nor consequently of the Sovereign, all of whose acts can only be laws.

The public force must therefore have its own agent, which unites it and puts it into operation according to the directions of the general will; which serves as a means of communication between the State and the Sovereign; and which does in a sense for the public person what the union of the soul and the body does in man. This is the reason why, in the State, there is Government, which has been incorrectly confounded with the Sovereign, of which it is only the minister.

What is the Government then? An intermediate body established between the subjects and the Sovereign for their mutual communication, and charged with the execution of the laws and the maintenance of civil as well as political freedom.

The members of this body are called Magistrates or *Kings*, that is to say, *Governors*; and the body as a whole bears the name *Prince*.* Thus those

*Thus in Venice the college is given the name *most serene prince* even when the Doge is not in attendance.[70]

who claim that the act by which a people subjects itself to leaders is not a contract are entirely right. It is absolutely nothing but a commission, an employment in which, as simple officers of the Sovereign, they exercise in its name the power that has been entrusted to them by the sovereign, and that the sovereign can limit, modify, and take back whenever it pleases, since the alienation of such a right is incompatible with the nature of the social body and contrary to the goal of the association.

I therefore give the name *Government* or supreme administration to the legitimate exercise of the executive power, and Prince or magistrate to the man or the body charged with that administration.

It is in the government that are found the intermediate forces whose relationships compose the relationship of the whole to the whole or of the Sovereign to the State. The latter relationship can be represented by the extremes of a continuous proportion, of which the proportional mean is the Government. The government receives from the Sovereign the orders that it gives to the people; and in order for the State to be in good equilibrium, all things considered, the product or power of the Government, taken by itself, must be equal to the product or power of the citizens, who are sovereigns on the one hand and subjects on the other.[71]

Moreover, none of the three terms could be altered without simultaneously destroying the proportion. If the Sovereign wants to govern, or if the magistrate wants to make laws, or if the subjects refuse to obey, disorder replaces rule, force and will no longer act in concert, and the dissolved State thereby falls into despotism or anarchy. Finally, since there is only one proportional mean for each relationship, there is no more than one good government possible in a State. But as a thousand events can change the relationships of a people, not only can different Governments be suited to various peoples, but also to the same people at different times.

To try to give some idea of the various relationships that can exist between these two extremes, I shall take as an example the number of people, which is a comparatively easy relationship to express.

Let us suppose that the State is composed of ten thousand Citizens. The Sovereign can only be considered collectively and as a body. But each private individual in his status as a subject is considered as an individual. Thus the Sovereign is to the subject as ten thousand is to one. Which is to say that the share of each member of the State is only one ten-thousandth of the sovereign authority, even though he is totally subjected to it. If the people is composed of one hundred thousand men, the condition of the subjects does not change, and each is equally under the whole dominion of the laws, while his vote, reduced to one hundred-thousandth, has ten times less influence on their drafting. Thus since the subject always

remains one, the ratio of the Sovereign to the subject increases in proportion to the number of Citizens.[72] From which it follows that the larger the State grows, the less freedom there is.

When I say that the ratio increases, I mean that it grows further away from equality. Thus the greater the ratio in the Geometer's sense, the less relationship there is in the ordinary sense.[73] In the former, the ratio—considered in terms of quantity—is measured by the quotient, and in the latter, the relationship—considered in terms of likeness—is estimated by the similarity.

Now the less relationship there is between private wills and the general will, that is between the morals and the laws, the more repressive force should increase. Thus, in order for the Government to be good, it ought to be relatively stronger in proportion as the people is more numerous.

On the other hand, as the enlargement of the State gives those entrusted with the public authority more temptations and means to abuse their power, the more force the Government should have to restrain the people, the more the Sovereign should have in turn to restrain the Government. I am not speaking here of absolute force, but of the relative force of the various parts of the State.

It follows from this double relationship that the continuous proportion between the Sovereign, the Prince, and the people is no arbitrary idea, but rather a necessary consequence of the nature of the body politic. It also follows that since one of the extremes, namely the people as subject, is fixed and represented by unity, whenever the doubled ratio increases or decreases, the simple ratio increases or decreases similarly; and that consequently the middle term is changed.[74] This shows that there is no unique and absolute constitution of Government, but that there can be as many Governments of different natures as there are States of different sizes.

If in ridiculing this system, it was said that in order to find this proportional mean and form the body of the Government, it is only necessary, according to me, to calculate the square root of the number of people, I would reply that I merely use that number here as an example; that the relationships of which I speak are not measured solely by the number of men, but in general by the quantity of action, which is itself the combined result of a multitude of causes; and moreover that if I momentarily borrow the vocabulary of geometry in order to express myself in fewer words, I am nevertheless not unaware that geometric precision does not exist in moral quantities.

The Government is on a small scale what the body politic that contains it is on a large scale. It is a moral person, endowed with certain faculties;

active like the Sovereign, passive like the State; and that can be broken down into other similar relationships from which a new proportion consequently arises, and still another within this one according to the order of tribunals, until an indivisible middle term is reached; that is, a single leader or supreme magistrate, who can be considered, in the middle of this progression, as the unity between the series of fractions and that of whole numbers.[75]

Without becoming involved in this multiplication of terms, let us be satisfied to consider the Government as a new body in the State, distinct from both the people and the Sovereign, and intermediate between them.

The essential difference between these two bodies is that the State exists by itself, but the Government exists only through the Sovereign. Thus the dominant will of the prince is not or should not be anything except the general will or the law; his force is only the public force concentrated in him. As soon as he wants to derive from himself some absolute and independent act, the bond tying the whole together begins to loosen. If it finally came about that the Prince had a private will more active than that of the Sovereign, and that he used some of the public force at his discretion to obey that private will, so that there were, so to speak, two sovereigns—one by right, the other in fact—at that moment the social union would vanish and the body politic would be dissolved.[76]

However, in order for the body of the Government to exist, to have a real life that distinguishes it from the body of the State, and for all its members to be able to act in concert and fulfill the purpose for which it is instituted, it must have a particular *self*, a sensibility shared by its members, a force or will of its own that leads to its preservation. This particular existence supposes assemblies, councils, power to deliberate and decide, rights, titles, privileges that belong exclusively to the Prince and that make the magistrate's status more honorable in proportion as it is more laborious. The difficulties lie in organizing this subordinate whole within the whole in such a way that it does not change the general constitution by strengthening its own; that it always distinguishes between its particular force intended for its own preservation and the public force intended for the preservation of the State; and in short that it is ever ready to sacrifice the Government to the people and not the people to the Government.

Besides, although the artificial body of the Government is the product of another artificial body and has, in a sense, only a borrowed and subordinate life, this does not prevent it from acting with more or less vigor or speed, or from enjoying a more or less robust state of health, so to speak. Finally, without directly departing from the goal of its institution, it can

deviate from that goal to a greater or lesser extent according to the way in which it is constituted.

From all these differences arise the various relationships the Government ought to have with the body of the State, according to the accidental and particular relationships that modify a given State. For often the Government that is in itself the best will become the worst if its relationships are not modified according to the defects of the body politic to which it belongs.

Chapter II: On the Principle That Constitutes the Various Forms of Government

In order to present the general cause of these differences, it is necessary here to distinguish between the Prince and the Government, as I have already distinguished between the State and the Sovereign.

The body of the magistracy can be composed of a larger or smaller number of members. We have said that the ratio of the Sovereign to the subjects was greater as the people was more numerous, and by an obvious analogy we can say the same about the Government with reference to the Magistrates.

Now the total force of the Government, being always that of the State, does not vary; from which it follows that the more of this force the government uses on its own members, the less is left for acting upon the entire people.

Therefore, the more numerous the Magistrates, the weaker the Government. Since this maxim is fundamental, let us try to explain it more clearly.

We can distinguish three essentially different wills in the person of the magistrate. First, the individual's own will, which tends only toward his private advantage. Second, the common will of the magistrates, which relates uniquely to the advantage of the Prince; which may be called the corporate will, and is general in relation to the Government and private in relation to the State, of which the Government is a part. Third, the will of the people or the sovereign will, which is general both in relation to the State considered as the whole and in relation to the Government considered as part of that whole.[77]

In perfect legislation, the private or individual will should be null; the corporate will of the Government very subordinate; and consequently the general or sovereign will always dominant and the unique rule of all the others. According to the natural order, on the contrary, these different wills become more active as they are more concentrated. Thus the general will is always the weakest, the corporate will has second place, and

the private will is the first of all. So that each member of the Government is first himself, and then Magistrate, and then citizen—a gradation that is exactly opposite to the one required by the social order.

Given the above, suppose that the entire Government is in the hands of one man. Then the private will and the corporate will are perfectly combined, and consequently the latter attains the highest possible degree of intensity. Now as the use of force is dependent on the degree of will, and as the absolute force of the Government does not vary, it follows that the most active of Governments is that of one man.

On the contrary, let us combine the Government with the legislative authority; let us make the Prince out of the Sovereign and all of the Citizens into as many magistrates. Then the corporate will has no more activity than the general will with which it is combined, and leaves to the private will its full force. Thus the government, always with the same absolute force, will have the minimum relative force or activity.

These relationships are incontestable and are further confirmed by other considerations. It is apparent, for example, that each magistrate is more active in his group than each citizen in his, and consequently that the private will has much more influence on acts of the Government than on those of the Sovereign. For each magistrate is almost always responsible for some function of the Government, whereas each citizen, taken separately, performs no function of sovereignty. Besides, the more the State expands, the more its real force increases, although not in proportion to its size. But if the State stays the same, increasing the number of magistrates is useless; the Government does not thereby acquire greater real force, because this force is that of the State, whose size is unchanged. Thus the relative force or the activity of the Government diminishes, while its absolute or real force cannot increase.

It is also certain that business is expedited more slowly in proportion as more people are responsible for it; that by overestimating prudence, chance is underestimated, opportunity escapes, and by dint of deliberating, the fruits of deliberation are often lost.

I have just proved that the Government becomes slack in proportion as the magistrates multiply, and I have proved earlier that the more numerous the people, the greater the increase in repressive force should be. From which it follows that the ratio of magistrates to Government should be the inverse of the ratio of subjects to Sovereign, which means that the more the State grows, the more the Government should shrink, so that the number of leaders diminishes in proportion to the increase of people.[78]

However, I refer here only to the relative force of the Government,

and not to its rectitude. For on the contrary, the more numerous the body of magistrates, the closer the corporate will is to the general will, whereas under a unique magistrate, this same corporate will, as I have said, is merely a private will. Thus what can be gained on one side is lost on the other, and the Legislator's art is to know how to find the point at which the Government's force and will, always in a reciprocal proportion, are combined in the relationship most advantageous to the State.

Chapter III: Classification of Governments

In the preceding chapter, we have seen why the various kinds or forms of Governments are distinguished by the number of members composing them. It remains to be seen in this chapter how this classification is made.

The Sovereign can, in the first place, entrust the Government to the entire people or to the majority of people, so that there are more citizens who are magistrates than citizens who are simply private individuals. This form of Government is given the name *Democracy*.

Or else it can restrict the Government to the hands of a small number, so that there are more simple Citizens than magistrates; and this form bears the name *Aristocracy*.

Finally, it can concentrate the whole Government in the hands of a single magistrate from whom all the others derive their power. This third form is the most common, and is called *Monarchy* or royal Government.[79]

It should be noted that all these forms, or at least the first two, admit different degrees, and even have a rather broad range. For Democracy can include all the people, or be restricted to half. In turn, Aristocracy can be indeterminately restricted from half the people down to the smallest number. Even Royalty admits some division. Sparta constantly had two Kings as provided by its constitution; and in the Roman Empire there were as many as eight Emperors at a time, yet one couldn't say that the Empire was divided. Thus there is a point at which each form of Government is indistinguishable from the next, and it is apparent that under these three names, Government really admits as many diverse forms as there are Citizens in the State.

Furthermore, since this same Government can, in certain respects, be subdivided into other segments, one administered in one way, the other in another, the combination of these three forms can produce a multitude of mixed forms, each of which can be multiplied by all the simple forms.

People have always argued a great deal over the best form of Government, without considering that each of them is the best in certain cases, and the worst in others.

If the number of supreme magistrates in different States ought to be in inverse proportion to the number of Citizens, it follows that in general Democratic government is suited to small States, Aristocratic to medium-sized ones, and Monarchical to large ones. This rule is derived directly from the principle; but countless circumstances can furnish exceptions.

Chapter IV: On Democracy

He who makes the law knows better than anyone else how it ought to be executed and interpreted. It therefore seems that there could be no better constitution than one in which the executive power is combined with the legislative. But it is this very thing that makes such a Government inadequate in certain respects, because the things that ought to be distinguished are not, and the Prince and the Sovereign, being nothing but the same person, form so to speak only a Government without a Government.

It is not good for him who makes the laws to execute them, nor for the body of people to turn its attention away from general considerations to particular objects. Nothing is more dangerous than the influence of private interests on public affairs; and the abuse of laws by the Government is a lesser evil than the corruption of the Legislator, which is the inevitable consequence of private considerations. Then, the substance of the State being changed, all reform becomes impossible. A people who would never take advantage of Government would never take advantage of independence either. A people who would always govern well would not need to be governed.

In the strict sense of the term, a genuine Democracy has never existed and never will exist. It is contrary to the natural order that the majority govern and the minority be governed. It is unimaginable that the people remain constantly assembled to attend to public affairs, and it is obvious that it could not establish commissions to do so without changing the form of administration.

Indeed, I believe it can be stated as a principle that when the functions of the Government are divided among several tribunals, those with the fewest members sooner or later acquire the greatest authority, if only because of the facility in expediting business which brings this about naturally.

Besides, consider how many things that are hard to combine are presupposed by this form of Government. First, a very small State where the people is easily assembled and where each citizen can easily know all the others. Second, great simplicity of morals, which prevents a multi-

tude of business and knotty discussions. Next, a great equality of ranks and of fortunes, without which equality of rights and authority could not subsist for long. Finally, little or no luxury, because either luxury is the result of wealth, or it makes wealth necessary. It corrupts both rich and poor, the one by possessing, the other by coveting. It sells out the fatherland to indolence and vanity; it deprives the State of all of its Citizens by enslaving some of them to others and all of them to opinion.

That is why a famous Author named virtue as the principle of a Republic. For all these conditions could not subsist without virtue. But because he failed to make the necessary distinctions, this noble genius often lacked precision, sometimes clarity; and he did not see that since the sovereign authority is everywhere the same, the same principle ought to apply to every well-constituted State, albeit to a greater or lesser degree according to the form of Government.[80]

Let us add that there is no Government so subject to civil wars and internal agitations as the Democratic or popular one, because there is none that tends so strongly and constantly to change its form, nor that demands more vigilance and courage to be maintained in its own form. It is above all under this constitution that the Citizen ought to arm himself with force and constancy, and repeat every day of his life from the bottom of his heart what a virtuous Palatine* said in the Diet of Poland: *Malo periculosam libertatem quam quietum servitium.*[81]

If there were a people of Gods, it would govern itself Democratically. Such a perfect Government is not suited to men.

Chapter V: On Aristocracy

We have here two quite distinct moral persons, namely, the Government and the Sovereign; and consequently two general wills, one relative to all the citizens, the other solely for the members of the administration. Thus, although the Government can regulate its internal policy in whatever way it pleases, it can never speak to the people except in the name of the Sovereign, that is in the name of the people itself. This must never be forgotten.

The first societies governed themselves aristocratically. The heads of families deliberated among themselves about public affairs. Young people deferred without difficulty to the authority of experience. This is the source of the names *Priests, ancients, senate, Elders*. The savages of North America still govern themselves in this manner, and are very well governed.

*The Palatine of Posen, father of the King of Poland, Duke of Lorraine.

But as instituted inequality came to predominate over natural inequality, wealth or power* was preferred to age, and Aristocracy became elective. Finally, when power was passed on together with goods from father to children, creating patrician families, the Government was made hereditary, and there were Senators only twenty years old.

There are, therefore, three kinds of Aristocracy: natural, elective, and hereditary. The first is suited only to simple peoples. The third is the worst of all Governments. The second is the best; it is Aristocracy properly so-called.[83]

Besides the advantage of distinguishing between the two powers, aristocracy has that of the choice of its members. For in popular Government all the Citizens are born magistrates, whereas this type limits them to a small number, and they become magistrates only through election,** a means by which probity, enlightenment, experience, and all the other reasons for public preference and esteem become so many new guarantees of being wisely governed.

Moreover, assemblies are more conveniently held, business is better discussed and acted upon in a more orderly and diligent manner, the prestige of the State is better sustained in foreign countries by venerable senators than by an unknown or scorned multitude.

In short, it is the best and most natural order for the wisest to govern the multitude, as long as it is certain that they govern for its benefit and not for their own. Devices must not be multiplied uselessly, nor must twenty thousand men do what one hundred well-chosen men can do still better. But it must be noted that here the corporate interest begins to direct the public force in accordance with the rule of the general will to a lesser degree, and that another unavoidable tendency exempts from the laws a part of the executive power.

With regard to particular matters of expediency, a State must not be so small, nor a people so simple and upright, that the execution of laws follows immediately from the public will, as is the case in a good Democracy. Nor must a nation be so large that the leaders, dispersed to govern it, can each make decisions for the Sovereign in his own department, and begin by making themselves independent in order to become masters in the long run.

* It is clear that among ancient peoples the word *Optimates* does not mean the best, but the most powerful.[82]

** It is extremely important to regulate by laws the form of the election of magistrates. Because if it is left up to the will of the Prince, the government unavoidably falls into a hereditary Aristocracy, as happened in the Republics of *Venice* and *Bern*. So it is that the former has long been a dissolute State, whereas the latter has maintained itself through the extreme wisdom of its Senate. It is a very honorable and very dangerous exception.

But if Aristocracy requires somewhat fewer virtues than popular Government, it also requires others which are specific to it, such as moderation among the rich and contentment among the poor. For it seems that rigorous equality would be misplaced in an aristocracy. It was not even adhered to in Sparta.

Besides, if this form includes some inequality of wealth, it is simply in order for the administration of public affairs to be generally confided to those who can best devote all their time to it; but not, as Aristotle claims, for the rich to be always given preference.[84] On the contrary, it is important that an opposite choice should occasionally teach the people that personal merit offers more important reasons for preference than does riches.

Chapter VI: On Monarchy

Up to this point, we have considered the Prince as a moral and collective person, united by the force of laws and entrusted with the executive power in the State. Now we have to consider this power brought together in the hands of a natural person, a real man, who alone has the right to dispose of it according to the laws. He is what is called a Monarch or a King.

Completely to the contrary of the other administrations, where a collective being represents an individual, in this one an individual represents a collective being; so that the moral unity which constitutes the Prince is at the same time a physical unity, in which all the faculties combined with such difficulty by law in the other administrations are combined naturally.

Thus the will of the people and the will of the Prince, and the public force of the State and the particular force of the Government, all respond to the same motivation; all the mechanisms of the machine are in the same hands; everything moves toward the same goal; there are no opposing movements that are mutually destructive; and there is no constitution imaginable in which a lesser effort produces a greater action. Archimedes sitting tranquilly on the shore and effortlessly pulling a huge Vessel over the waves is my image of a skillful monarch governing his vast States from his study, and setting everything in motion while appearing immobile himself.

But if no other Government has more vigor, there is none where the private will has greater sway and more easily dominates the others. Everything moves toward the same goal, it is true, but this goal is not that of public felicity, and the very force of the Administration is constantly detrimental to the State.

Kings want to be absolute, and from afar one cries out to them that

the best way to be so is to make themselves loved by their peoples. This maxim is very fine and even very true in certain respects. Unfortunately, it will always be ridiculed in royal Courts. The power that comes from the peoples' love is doubtless the greatest, but it is precarious and conditional. Princes will never be satisfied with it. The best Kings want to be able to be wicked if it so pleases them, without ceasing to be the masters. A political sermonizer tells them in vain that since the force of the people is their own, their greatest interest is that the people should be flourishing, numerous, formidable. They know very well this is not true. Their personal interest is first of all that the People should be weak, miserable, and unable ever to offer any resistance to them. I admit that, assuming the subjects were always perfectly submissive, the Prince's interest would then be for the people to be powerful, so that this power, being his, would make him formidable in the eyes of his neighbors. But as this interest is only secondary and subordinate, and as the two assumptions are incompatible, it is natural that Princes should always prefer the maxim that is the more immediately useful to them. This is what Samuel so strongly pointed out to the Hebrews; and what Machiavelli showed with clarity. While pretending to give lessons to Kings, he gave great ones to the people. Machiavelli's *The Prince* is the book of republicans.*

We found, through general relationships, that monarchy is suited only to large States, and we find this again in examining monarchy itself. The more numerous the public administration, the more the ratio of the Prince to the subjects decreases and approaches equality, so that this ratio is one to one, or equality itself, in a Democracy. This same ratio increases in proportion as the Government is more restricted, and it is at its maximum when the Government is in the hands of one man. The distance between the Prince and the People is then too great, and the State lacks cohesion. In order to create this, therefore, there must be intermediate orders; there must be Princes, Grandees, and nobility to fill them. Now none of that is suited to a small State, which is ruined by all these distinctions.

But if it is difficult for a large State to be well governed it is even more so for it to be well governed by one man alone, and everyone knows what happens when the King appoints agents.

*Machiavelli was a decent man and a good citizen; but being attached to the Medici household, he was forced, during the oppression of his fatherland, to disguise his love of freedom. The choice of his execrable Hero is in itself enough to make manifest his hidden intention; and the contrast between the maxims of his Book *The Prince* and those of his *Discourses on Titus Livy* and of his *History of Florence* shows that this profound political thinker has had only superficial or corrupt Readers until now. The Court of Rome has severely forbidden his book. I can well believe it; it is the court that he most clearly depicts.[85]

An essential and inevitable defect, which will always place monarchical government below republican, is that in the latter the public voice almost never raises to high positions any but enlightened, capable men, who fulfill them with honor; whereas those who attain them in monarchies are most often merely petty troublemakers, petty rascals, petty intriguers, whose petty talents—which lead to high positions in royal Courts—serve only to reveal their ineptitude to the public as soon as these men are in place. The public makes a mistake in its choice much less often than the Prince, and a man of real merit is nearly as rare in a ministry as a fool at the head of a republican government. So it is that when, by some lucky chance, one of those men who are born to govern takes control of public affairs in a Monarchy that has almost been wrecked by this bunch of fine managers, people are all amazed at the resources he finds, and it is epoch-making for the whole country.[86]

For a monarchical State to be well governed, its size or extent would have to be measured by the capabilities of the one who governs. It is easier to conquer than to administer. With a big enough lever, it is possible to move the world with one finger, but holding it up requires the shoulders of Hercules. If the State is the least bit large, the Prince is almost always too small. When, on the contrary, it happens that the State is too small for its leader, which is very rare, it is still badly governed, because the leader, always pursuing his grandiose views, forgets the peoples' interests and by misusing his excessive talents, makes them no less unhappy than does a stupid leader who is limited by his lack of talents. The kingdom would, so to speak, have to expand or shrink with each reign depending on the competence of the Prince. In contrast, because the talents of a Senate are more stable, the State can have invariable boundaries and the administration be no less well run.

The most evident drawback of the Government of one man is the lack of continuous successions which, in the two others, form an unbroken bond. When one King dies, another is needed. Elections leave dangerous intervals; they are stormy, and unless the Citizens have a disinterestedness and integrity rarely found in this form of Government, intrigue and corruption are involved. It is difficult for one to whom the State has been sold not to sell it in turn, and compensate at the expense of the poor for the money that has been extorted from him by the powerful. Sooner or later, everything becomes venal under such an administration, and the peace then enjoyed under kings is worse than the disorder of the interregna.

What has been done to prevent these evils? Crowns have been made hereditary in certain families, and an order of Succession has been established which prevents all dispute when Kings die. Which is to say that

by substituting the drawback of regencies for that of elections, apparent tranquillity has been preferred to a wise administration; and that the risk of having children, monsters, or imbeciles for leaders has been preferred to having to argue over the choice of good Kings. People have not considered that in being thus exposed to the risks of the alternative, they have almost all the odds against them. Dionysius the Younger answered very sensibly when his father, reproaching him for a shameful action, asked, have I given you such a an example? Ah, replied his son, your father wasn't a king.[87]

Everything conspires to deprive of justice and reason a man raised to command others. A great effort is made, it is said, to teach young Princes the art of ruling. It does not appear that this education does them any good. It would be better to start by teaching them the art of obeying. The most famous kings in history were not brought up to rule. It is a science that is never less well known than after it has been learned, and that is better acquired by obeying than by commanding. *Nam utilissimus idem ac brevissimus bonarum malarumque rerum delectus, cogitare quid aut nolueris sub alio Principe au volueris.** [88]

One consequence of this lack of coherence is the instability of a royal government which, guided sometimes by one plan and sometimes by another, according to the character of the ruling Prince or of those ruling for him, cannot have a fixed object for long, nor a consistent mode of conduct. This variability always causes the State to vacillate from maxim to maxim, from project to project, and does not occur in other Governments, where the Prince is always the same. It also appears that in general, although there may be more cunning in a royal Court, there is more wisdom in a Senate; and that Republics pursue their goals by means of policies that are more consistent and better followed; whereas each revolution in a royal Ministry causes one in the State, given the maxim common to all Ministers and almost all Kings of doing the reverse of their predecessors in everything.

This same incoherence also provides the answer to the sophism that is habitually used by political thinkers of royalty. Not only is civil Government compared to domestic government, and the prince to the father of the family—an error already refuted—but this magistrate is liberally given all the virtues he might need, and it is always assumed that the Prince is what he ought to be. With the help of this assumption, royal Government is evidently preferable to any other, because it is incontestably the strongest; and to be the best as well, it lacks only a corporate will more consistent with the general will.

*Tacitus, *Histories*, Book I.

But if according to Plato,* a King by nature is such a rare person, how many times will nature and chance combine to crown him; and if a royal education necessarily corrupts those who receive it, what is to be hoped for from a series of men brought up to rule? It is surely deliberate self-deception, then, to confuse royal Government with that of a good King. In order to see what this Government is in essence, it must be considered under stupid or wicked Princes, for either they are like this when they ascend the Throne, or the Throne makes them so.

These difficulties have not escaped the notice of our Authors, but they have not been troubled by them. The remedy, they say, is to obey without a murmur. God in his anger gives us bad Kings, and they must be endured as punishments from Heaven. This discourse is doubtless edifying, but I am not sure whether it would not be better suited to the pulpit than to a book of politics. What can be said of a Doctor who promises miracles, and whose whole art consists of exhorting the sick to be patient? Everyone knows perfectly well that when there is a bad Government it must be endured. The question would be to find a good one.

Chapter VII: On Mixed Governments

Properly speaking, there is no simple Government. A single Leader must have subordinate magistrates; a popular Government must have a Leader. Thus in the division of the executive power there is always a gradation from the many to the few, with the difference that sometimes the many depend on the few and sometimes the few on the many.

Occasionally there is an equal division; either when the constituent parts are mutually dependent, as in the Government of England, or when the authority of each part is independent but incomplete, as in Poland. The latter form is bad, because there is no unity in the Government and the State lacks cohesion.

Which is better, a simple or a mixed Government? The question is much debated among political thinkers, and it requires the same answer that I gave above concerning all forms of Government.

Simple Government is the best in itself, by the very fact that it is simple. But when the executive Power does not depend enough on the legislative power, that is when there is a greater ratio between Prince and Sovereign than between People and Prince, this defect in the proportion must be remedied by dividing the Government.[90] For then all of its parts do not have any less authority over the subjects, and their division makes all of them together weaker when opposed to the Sovereign.

**The Statesman.*[89]

This same difficulty can also be prevented by establishing intermediate magistrates, who—leaving the Government whole—merely serve to balance the two Powers and to maintain their respective rights. Then the Government is not mixed; it is tempered.

The opposite difficulty can be remedied by similar means, and when the Government is too loose, Tribunals can be set up to consolidate it. This is done in all Democracies. In the first case, the Government is divided in order to be weakened; and in the second, to be strengthened. For the *maximum* of force and of weakness are both found in simple Governments, whereas mixed forms produce an average force.

Chapter VIII: That All Forms of Government Are Not Suited to All Countries

Freedom, not being a fruit of every Climate, is not accessible to all peoples. The more one ponders this principle established by Montesquieu, the more one senses its truth.[91] The more it is contested, the more opportunities there are to establish it by new proofs.

In all the Governments of the world, the public person consumes, yet produces nothing. What, then, is the source of the substance it consumes? The labor of its members. It is the excess of private individuals that produces what is necessary for the public. It follows from this that the civil state can subsist only as long as the product of men's labor exceeds their needs.

Now this surplus is not the same in all the countries of the world. In several, it is considerable; in others, very minimal; in others, nil; in others, negative. This ratio depends on the fertility of the climate, the kind of labor required by the land, the nature of its products, the force of the inhabitants, the greater or lesser consumption they need, and on several other similar ratios of which it is composed.

Besides, all Governments are not of the same nature. They are more or less voracious, and the differences between them are based on the additional principle that the further public contributions travel from their source, the more burdensome they are. This burden must not be measured by the amount of taxes, but by the distance they have to travel to return to the hands they came from. When this circulation is prompt and well established it does not matter whether the people pays a little or a lot. It is always rich and finances are always in good condition. On the contrary, however little the People may give, when this amount does not come back, it is soon exhausted by always giving. The State is never rich, and the people is always destitute.

It follows that the greater the distance between the people and the

Government, the more burdensome taxes become. Thus, the people is least burdened in a Democracy; more so in an Aristocracy; and in a Monarchy it bears the greatest weight. Monarchy, then, is only suited to opulent nations; Aristocracy to States of average wealth and size; Democracy to small and poor States.

In fact, the more one thinks about it, the more this explains the difference between free States and monarchies. In the former, everything is used for the common utility; in the latter, the public and private forces are reciprocal, and one is increased by the weakening of the other. Finally, rather than governing subjects in order to make them happy, despotism makes them miserable in order to govern them.

There are, then, for each climate natural causes on the basis of which it is possible to assign the form of Government toward which the force of the climate leads it, and even to say what type of inhabitants it should have. Unproductive and barren places, where the product is worth less than the labor to produce it, should remain uncultivated and deserted, or populated only by Savages. Places where the labor of men produces only the bare necessities should be inhabited by barbarous peoples; any polity would be impossible there. Places where the surplus of products over labor is moderate are suited to free peoples. Those where abundant and fertile soil produces a great deal with little labor demand monarchic government, so that the luxuries of the Prince consume the excess of the subjects' surplus, because it is better for this excess to be absorbed by the government than dissipated by private individuals. There are exceptions, I know. But these very exceptions prove the rule, in that they sooner or later produce revolutions that bring things back to the order of nature.

Let us always distinguish between general laws and the particular causes that can modify their effect. Even if the entire south were covered with Republics and the entire north with despotic States, it would be no less true that the effect of climate makes despotism suited to hot countries, barbarism to cold countries, and a good polity to intermediate regions. I see, further, that while granting the principle, there might be dispute over its application. It might be objected that there are very fertile cold countries and very unproductive southern ones. But this is a difficulty only for those who do not examine all the relationships involved. It is necessary, as I have said, to consider those of labor, force, consumption, etc.

Let us assume that given two equal pieces of land, one produces five and the other ten. If the inhabitants of the former consume four, and those of the latter nine, the excess of the first product will be ⅕, and that of the second ⅒. Since the ratio of these two surpluses is therefore the

inverse of the ratio of the products, the piece of land that produces only five will provide a surplus that is double that of the land that produces ten.

But it is not a question of a doubled product, and I do not think anyone dares to claim that the fertility of cold countries in general is even equal to that of hot countries. Nevertheless, let us assume this equality. Let us, if you wish, equate England with Sicily, and Poland with Egypt. Farther south, we will find Africa and the Indies; farther north, we will find nothing at all. To achieve this equality of products, what difference is there in cultivation? In Sicily, merely scratching the earth is all that is necessary; in England, what efforts it takes to work it! Now when there must be more hands to yield the same product, the surplus should necessarily be less.

Consider in addition that the same number of men consume much less in hot countries. The climate requires sobriety for good health. Europeans who want to live there in the same style as they do at home all die of dysentery and indigestions. *We are*, says Chardin, *carnivorous beasts, wolves, by comparison with Asians. Some attribute the Persians' sobriety to the fact that their country is less cultivated; but I believe, to the contrary, that their country is less abundant in foodstuffs because the inhabitants need less. If their frugality*, he continues, *were an effect of scarcity in the country, only the poor would eat little, whereas in general everyone does so, and more or less would be eaten in each province according to the fertility of the countryside, whereas the same sobriety is found everywhere in the kingdom. They praise themselves highly for their way of life, saying one need only look at their complexions to recognize how much better it is that that of Christians. In fact, the complexion of Persians is smooth. They have lovely, delicate, and polished skin, whereas the complexion of their subjects the Armenians, who live in the European manner, is coarse and blotchy, and their bodies are fat and heavy.*[92]

The closer one is to the equator, the less peoples live on. They eat almost no meat; rice, maize, couscous, millet, and cassava are their usual foods. In the Indies, there are millions of men whose nourishment costs under one cent a day. In Europe itself we see noticeable differences of appetite between the people of the north and the south. A Spaniard would live for a week on a German's dinner. In countries where men are more voracious, luxury as well turns toward things that are eaten. In England, luxury is shown by tables laden with meats; in Italy, you are treated to sugar and flowers.

Luxury in clothing also offers similar differences. In climates where seasonal changes are abrupt and violent, clothes are better and simpler; in those where dressing is merely for ornamentation, ostentation is more

sought after than utility, and clothes themselves are a luxury there. Every day in Naples, you will see men walking along the Posilippo wearing gold embroidered jackets, but no stockings. The same is true of buildings. Everything is devoted to magnificence when damage from the weather is not a worry. In Paris or London, people want to be lodged warmly and comfortably. In Madrid, there are superb drawing rooms, but not a window that closes; and people sleep in ratholes.

Foods are far more substantial and succulent in hot countries. This is a third difference that cannot fail to influence the second. Why are so many vegetables eaten in Italy? Because they are good, nourishing, and have excellent flavor there. In France, where they are grown only with water, they are not nourishing, and scarcely count at meals. However, they take up no less land, and require at least as much effort to cultivate. It is known from experience that the wheats of Barbary, in other respects inferior to French wheats, yield much more flour, and that those of France, in turn, yield more than the wheats of the north. It can be inferred from this that a similar gradation in the same direction is generally observed from the equator to the north pole. Now isn't it a clear disadvantage to have a lesser quantity of nourishment from equal amounts of produce?

To these different considerations, I can add another that is derived from them and strengthens them. It is that hot countries need fewer inhabitants than cold countries, yet could feed more of them. This produces a double surplus, always to the advantage of despotism. The larger the area occupied by a fixed number of inhabitants, the harder it becomes to revolt, because men cannot take concerted action promptly or secretly, and it is always easy for the Government to get wind of the plans and cut off communications. But the closer together a numerous people is, the less the Government can usurp from the Sovereign. Leaders deliberate as safely in their rooms as the Prince in his council, and the crowd assembles as quickly in the public squares as the troops in their quarters. The advantage of a tyrannical Government, in this regard, is thus to act over long distances. With the help of the points of support it sets up, its force increases with distance like that of levers.* The people's force, on the contrary, acts only when concentrated; it evaporates and is lost as it spreads, like the effect of gunpowder scattered on the ground, which only ignites

*This does not contradict what I said earlier, in Book II, chapter ix, about the disadvantages of large States. For there it was a question of the authority of the Government over its members, and here it is one of its force against the subjects. Its scattered members serve as points of support for acting upon the people from a distance, but it has no support for acting directly on these members themselves. Thus the length of the lever is in one instance the source of its weakness, and in the other of its strength.

grain by grain. The least populous countries are thus the best suited to Tyranny. Wild animals reign only in deserts.

Chapter IX: On the Signs of a Good Government

Therefore when one asks which is absolutely the best Government, one poses a question that is insoluble because it is indeterminate. Or, if you prefer, it has as many correct answers as there are possible combinations in the absolute and relative situations of peoples.[93]

But if one asks by what sign it is possible to know whether a given people is well or badly governed, this is something else again, and the question of fact could be resolved.

However, it is usually not resolved, because each wants to resolve it in his own way. Subjects praise public tranquillity, Citizens the freedom of private individuals. One prefers the safety of possessions, the other, that of persons. One claims that the best Government is the most severe; the other maintains that it is the mildest. This one wants crimes punished, and that one wants them prevented. One thinks it is fine to be feared by the neighbors; the other prefers to be ignored by them. One is satisfied when money circulates; the other demands that the people have bread. Even if there were agreement on these and other similar points, would a solution be any nearer? Since moral quantities cannot be precisely measured, even if there were agreement about the sign, how could there be about the way to estimate it?

As for me, I am always astounded that one very simple sign is overlooked or not agreed upon out of bad faith. What is the end of the political association? It is the preservation and prosperity of its members. And what is the surest sign that they are preserved and prospering? It is their number and their population. Therefore, don't seek this much disputed sign elsewhere. All other things being equal, the Government under which—without external aid, without naturalization, without colonies—the Citizens populate and multiply the most is infallibly the best. One under which a people grows smaller and dwindles away is the worst. Calculators, it is up to you now. Count, measure, compare.*

*The same principle should be used to judge the centuries that deserve preference in terms of the prosperity of the human race. Those in which letters and arts flourished have been overly admired, without discovering the secret object of their cultivation and without considering its disastrous effect, *idque apud imperitos humanitas vocabatur, cum pars servitutis esset*.[94] Will we never notice in the maxims of books the vulgar interest that prompts the Authors to speak? No; whatever they may say, when the population of a country decreases, despite its brilliance it is not true that all goes well; and that one poet has a hundred thousand pounds of income is not enough to make his century the best of all. Less consideration must be given to the apparent calm and to the leaders' tranquillity than to the well-being of entire nations and especially of the most populous social classes. Hail ravages a few cantons,

Chapter X: On the Abuse of Government and Its Tendency to Degenerate

Just as the private will acts incessantly against the general will, so the Government makes a continual effort against Sovereignty. The greater this effort becomes, the more the constitution changes, and as there is here no other corporate will which, by resisting the will of the Prince, would balance it, sooner or later the Prince must finally oppress the Sovereign and break the social treaty. That is the inherent and inevitable vice which, from the emergence of the body politic, tends without respite to destroy it, just as old age and death destroy the body of a man.

There are two general routes by which a Government degenerates: namely when it shrinks, or when the State dissolves.

The Government shrinks when it passes from a large to a small number, that is from Democracy to Aristocracy and from Aristocracy to Royalty. That is its natural tendency.* If it were to go backward from a small num-

---

but it rarely creates famine. Riots and civil wars greatly frighten leaders, but they are not the true misfortunes of peoples, who may even have a period of respite while men argue about who will tyrannize over them. It is their permanent condition that gives rise to their true prosperities or calamities. It is when everything remains crushed under a yoke that everything perishes. It is then that leaders destroy them at their pleasure, *ubi solitudinem faciunt, pacem appellant.*[95] When the rivalries of the great agitated the kingdom of France, and the Coadjutor of Paris went to the Parlement carrying a dagger in his pocket, these things did not prevent the French people from living happily and in large numbers in honest and free ease. Long ago, Greece flourished in the midst of the cruelest wars. Blood flowed freely, and the whole country was covered with men. It seemed, says Machiavelli, that in the midst of murders, proscriptions, civil wars, our Republic became more powerful; our citizens' virtue, their morals, their independence did more to reinforce it than all the dissensions to weaken it. A little agitation gives vitality to souls, and it is not so much peace as freedom that makes the species truly prosper.[96]

*The slow formation and the development of the Republic of Venice in its lagoons offers a notable example of this succession. And it is quite amazing that after more than twelve hundred years, the Venetians seem to be still only at the second stage, which began with the *Serrar di Consiglio* in 1198. As for the ancient Dukes who are held against them, whatever the *squitinio della libertà veneta* may say,[97] it has been proved that they were not their Sovereigns.

The Roman Republic will not fail to be cited as an objection, for supposedly following a completely opposite development, changing from monarchy to Aristocracy and from Aristocracy to Democracy. I am far from thinking of it in these terms.

The original establishment of Romulus was a mixed Government which promptly degenerated into Despotism. By some particular causes, the State perished prematurely, as a newborn dies before reaching manhood. The expulsion of the Tarquins was the true epoch of the birth of the Republic. But it did not assume a constant form at first, because by not abolishing the patriciate, only half the work was done. Because the hereditary Aristocracy—which is the worst kind of legitimate administration—in this way remained in conflict with the Democracy, the form of the Government—always uncertain and up in the air—was not settled, as Machiavelli has proved, until the establishment of the Tribunes.[98] Only then was there a true Government and a genuine Democracy. In fact, the people then was not merely Sovereign, but also magistrate and judge; the Senate was only a subordinate tribunal to temper and concentrate the Government; and the Consuls themselves, albeit Patricians,

ber to a large one, it could be said to slacken, but this reverse development is impossible.

Indeed, the Government never changes its form except when its worn-out mechanism leaves it too weakened to be able to preserve itself. Now if it were to grow still more slack by further extending itself, its force would become entirely null, and it would be even less likely to subsist. The mechanism must therefore be wound up and tightened in proportion as it gives way; otherwise the State it supports would fall into ruins.

The dissolution of the State can come about in two ways.

First, when the Prince no longer administers the State in accordance with the laws and usurps the sovereign power. Then a remarkable change takes place, which is that not the Government but the State shrinks. I mean that the large State dissolves and another is formed within it that is composed solely of the members of the Government and is no longer anything for the rest of the People except its master and tyrant. So that the instant the Government usurps sovereignty, the social compact is broken, and all the ordinary Citizens, by right recovering their natural freedom, are forced but not obligated to obey.

Dissolution also occurs when the members of the Government separately usurp the power that they ought only to exercise as a body. This is no less an infraction of the laws, and produces even greater disorder. Then there are, so to speak, as many Princes as there are Magistrates, and the State—no less divided than the Government—perishes or changes its form.

When the State dissolves, the abuse of Government of any type whatever takes the general name *anarchy*.[99] To distinguish, Democracy degenerates into *Ochlocracy*; Aristocracy into *Oligarchy*. I would add that Royalty degenerates into *Tyranny*, but this latter term is equivocal and requires explanation.

In the ordinary sense, a Tyrant is a King who governs with violence and without regard for justice and the laws. In the precise sense, a Tyrant

---

first Magistrates, and absolute Generals in war, were only presiding officers of the people in Rome.

From that time on, the Government was seen to follow its natural tendency and lean strongly toward Aristocracy. As the Patriciate abolished itself in a sense, the Aristocracy no longer consisted in the body of Patricians as in Venice and Genoa, but in the body of the Senate, composed of Patricians and Plebeians, and even in the body of the Tribunes when they began to usurp active power. For words do not change things, and when the people has leaders who govern for it, whatever name these leaders may assume, they are always an Aristocracy.

The abuse of the Aristocracy gave rise to the civil wars and the Triumvirate. Sulla, Julius Caesar, Augustus became in fact true Monarchs, and finally under the despotism of Tiberius, the State was dissolved. Roman history, then, does not disprove my principle; it confirms it.

is a private individual who assumes the royal authority without having any right to it. The Greeks understood the word Tyrant in this manner, and they gave it indistinguishably to good and bad Princes whose authority was not legitimate.* Thus *Tyrant* and *usurper* are two words that are exactly synonymous.

In order to give different names to different things, I call the usurper of royal authority a *Tyrant* and the usurper of sovereign power a *Despot*. The Tyrant is one who takes over against the laws in order to govern according to the laws; the Despot is one who puts himself above the laws themselves. Thus a Tyrant need not be a Despot, but a Despot is always a Tyrant.

Chapter XI: On the Death of the Body Politic

Such is the natural and inevitable tendency of the best constituted Governments. If Sparta and Rome perished, what State can hope to endure forever? If we want to form a lasting establishment, let us therefore not hope to make it eternal.[101] To succeed, it is necessary not to attempt the impossible, nor to flatter oneself with giving a solidity to the work of men that human things do not allow.

The body politic, like the human body, begins to die at the moment of its birth, and carries within itself the causes of its destruction. But each can have a constitution that is more or less robust and suited to preserve it for a longer or shorter time. The constitution of man is the work of nature; that of the State is a work of art. It is not within the power of men to prolong their life; it is within their power to prolong that of the State as far as possible, by giving it the best constitution it can possibly have. Even the best constituted State will come to an end, but later than another, if no unforeseen accident brings about its premature downfall.

The principle of political life lies in the Sovereign authority. The legislative power is the heart of the State; the executive power is its brain, giving movement to all its parts. The brain can become paralyzed yet the individual is still alive. A man can remain an imbecile and live. But as soon as the heart has ceased to function, the animal is dead.[102]

It is not through laws that the State subsists, it is through the legislative power. Yesterday's law does not obligate today, but tacit consent

**Omnes enim et habentur et dicuntur Tyranni qui potestate utuntur perpetua, in ea Civitate quae libertate usa est.* Cornelius Nepos, *Life of Miltiades*.[100] It is true that Aristotle, *Nicomachean Ethics*, Book VIII, chapter x, distinguishes between Tyrant and King by the fact that the former governs for his own utility and the latter solely for the utility of his subjects. But besides the fact that generally all the Greek authors used the term Tyrant in another sense, as is best seen in Xenophon's *Hiero*, it would follow from Aristotle's distinction that since the beginning of the world, not a single King would as yet have existed.

is presumed from silence, and the Sovereign is assumed to confirm constantly the laws it does not repeal while having the power to do so. Everything the sovereign has once declared it wants, it always wants unless it revoked the declaration.

Why then is so much respect accorded to ancient laws? Because of their very age. People must believe that only the excellence of these ancient wills could have preserved them for so long. If the Sovereign had not constantly recognized them as salutary, it would have revoked them a thousand times over. That is why laws, far from weakening, continually acquire new force in every well-constituted State; the prejudice favoring antiquity renders them more venerable each day. In contrast, wherever the laws weaken as they grow older, it is proof that there is no longer any legislative power and that the State is no longer alive.

Chapter XII: How the Sovereign Authority Is Maintained

The Sovereign, having no other force than the legislative power, acts only by laws; and since the laws are only authentic acts of the general will, the Sovereign can only act when the people is assembled. The people assembled, it will be said, what a chimera! It is a chimera today, but this was not the case two thousand years ago. Have men changed their nature?

The limits of the possible in moral matters are less narrow than we think. It is our weaknesses, our vices, our prejudices that shrink them. Base souls do not believe in great men. Vile slaves smile mockingly at the word freedom.

Let us consider what can be done on the basis of what has been done. I shall not speak of the ancient republics of Greece; but the Roman Republic, it seems to me, was a large State, and the town of Rome a large town. The last Census gave Rome four hundred thousand Citizens bearing arms, and the last count of the Empire showed more than four million Citizens, not counting subjects, foreigners, women, children, slaves.

One could imagine the difficulties of calling frequent assemblies of the immense population of that capital and its environs. Yet few weeks went by in which the Roman people was not assembled, and even several times. It exercised not only the rights of sovereignty, but a part of those of Government as well. It handled certain business matters; it tried certain cases; and at the public assembly, this entire people was nearly as often magistrate as Citizen.

By going back to the earliest periods of Nations, it would be found that most of the ancient governments, even the monarchical ones like the Macedonians and the Franks, had similar Councils. In any case, this

one incontestable fact resolves the entire difficulty: the inference from the existent to the possible seems solid to me.

Chapter XIII: Continued

It is not sufficient for an assembled people to have once settled the constitution of the State by sanctioning a body of laws. It is not sufficient for it to have established a perpetual Government or provided, once and for all, for the election of magistrates. In addition to extraordinary assemblies that may be required by unforeseen situations, there must be some regular, periodical ones that nothing can abolish or postpone, so that on a designated day the people is legitimately convoked by law, without need of any other formal convocation.[103]

But except for these assemblies, lawful by their date alone, every assembly of the People that has not been called by the magistrates appointed for that purpose and in accordance with the prescribed forms ought to be considered as illegitimate and everything done at it as null; because the order to assemble should itself emanate from the law.

As for the frequency of legitimate assemblies, this depends on so many considerations that no precise rules can be given about it. One can only say in general that the more force the Government has, the more frequently the Sovereign ought to present itself.

It will be said to me that this may be well and good for a single town, but what is to be done when the State includes several? Will the Sovereign authority be divided, or will it be concentrated in a single town and all the others made subject?

I reply that neither should be done. First, the sovereign authority is single and unique, and cannot be divided without being destroyed. In the second place, a town, like a Nation, cannot legitimately be the subject of another, because the essence of the body politic lies in the harmony of obedience and freedom; and the words *subject* and *sovereign* are identical correlatives, whose meaning is combined in the single word citizen.

I reply further that it is always an evil to unite several towns in a single City, and that anyone wanting to make such a union should not imagine that its natural drawbacks can be avoided. The abuses of large States must not be raised as an objection to someone who wants only small ones. But how can small States be given enough force to resist large ones? In the same way that the Greek Towns resisted the great King long ago, and Holland and Switzerland more recently resisted the house of Austria.

However, if the State cannot be reduced to a proper size, there is still one remaining expedient. It is not to tolerate a capital, to locate the Gov-

ernment alternatively in each town, and to convene the Assemblies of the country in each of them by turn.[104]

Populate the territory evenly, extend the same rights everywhere, spread abundance and life everywhere. In this way the State will become, simultaneously the strongest and the best governed possible. Remember that the walls of towns are only made out of the debris of farmhouses. At the sight of each Palace that I see built in the capital, I imagine a whole countryside being reduced to hovels.

Chapter XIV: Continued

The instant the People is legitimately assembled as a Sovereign body, all jurisdiction of the Government ceases, the executive power is suspended, and the person of the humblest Citizen is as sacred and inviolable as that of the first Magistrate; because where the Represented person is, there is no longer any Representative. Most of the tumults that arose in Rome at the comitia came from ignoring or neglecting this rule. On those occasions the Consuls were merely Presiding officers of the People; the Tribunes, simple Speakers;* the Senate, nothing at all.

These intervals of suspension, during which the Prince recognizes or ought to recognize an actual superior, have always terrified it; and these assemblies of the people, which are the aegis of the body politic and the restraint on Government, have been viewed with horror by the leaders of all times. Thus they never spare efforts, nor objections, nor obstacles, nor promises to discourage the Citizens from holding them. When the latter are greedy, cowardly, pusillanimous, fonder of repose than of freedom, they don't hold out long against the redoubled efforts of the Government. So it is that with the force of resistance constantly increasing, the Sovereign authority finally vanishes, and most cities fall and perish prematurely.

But between Sovereign authority and arbitrary Government there is sometimes introduced an intermediate power that must be discussed.

Chapter XV: On Deputies or Representatives

As soon as public service ceases to be the main business of the Citizens, and they prefer to serve with their pocketbooks rather than with their persons, the State is already close to its ruin. Is it necessary to march to battle? They pay troops and stay home. Is it necessary to attend the Coun-

* In approximately the sense given to the word speaker in the English parliament. The similarity between these employments would have created conflict between the consuls and the tribunes even if all jurisdiction had been suspended.

cil? They name Deputies and stay home. By dint of laziness and money, they finally have soldiers to enslave the country and representatives to sell it.

It is involvement in commerce and the arts, avid interest in profits, softness and love of comforts that replace personal services by money. One gives up part of his profit in order to increase it at leisure. Give money and you will soon have chains. The word *finance* is a slave's word. It is unknown in the City. In a truly free State the citizens do everything with their hands and nothing with money. Far from paying to be exempted from their duties, they would pay to fulfill them personally. I am very far from commonly held ideas; I believe that corvées are less contrary to freedom than taxes.

The better constituted the State, the more public affairs dominate private ones in the minds of the Citizens. There is even less private business, because since the sum of common happiness furnishes a larger portion of each individual's happiness, the individual has less to seek through private efforts. In a well-run City, everyone rushes to assemblies. Under a bad Government, no one likes to take even a step to go to them, because no one takes an interest in what is done there, because it is predictable that the general will won't predominate, and finally because domestic concerns absorb everything. Good laws lead to the making of better ones; bad ones bring about worse ones. As soon as someone says *what do I care*? about the affairs of the State, the State should be considered lost.

Waning of love of fatherland, the activity of private interest, the immenseness of States, conquests, the abuse of the Government have led to the invention of using Deputies or Representatives of the people in the Nation's assemblies. It is what people in certain countries dare to call the Third Estate. Thus the private interest of two orders is ranked first and second; the public interest is merely third.

Sovereignty cannot be represented for the same reason it cannot be alienated. It consists essentially in the general will, and the will cannot be represented. Either it is itself or it is something else; there is no middle ground. The deputies of the people, therefore, are not nor can they be its representatives; they are merely its agents. They cannot conclude anything definitively. Any law that the People in person has not ratified is null; it is not a law. The English people thinks it is free. It greatly deceives itself; it is free only during the election of the members of Parliament. As soon as they are elected, it is a slave, it is nothing. Given the use made of these brief moments of freedom, the people certainly deserves to lose it.[105]

The idea of Representatives is modern. We get it from feudal Government, that wicked and absurd Government in which the human species

is degraded and the name of man is dishonored. In the ancient Republics and even in monarchies, the People never had representatives. The word itself was unknown. It is very noteworthy that in Rome, where the Tribunes were so sacred, it was never even imagined that they could usurp the functions of the people, and that in the midst of such a great multitude, they never tried to pass a single Plebiscite on their authority alone. Yet the difficulties sometimes caused by the multitude can be judged by what happened in the time of the Gracchi, when part of the Citizenry voted from the rooftops.

Where right and freedom are everything, inconveniences do not matter. Among this wise people, everything was correctly judged. It allowed its Lictors to do what its Tribunes would not have dared to do. It was not worried that its Lictors would want to represent it.

However, to explain how the Tribunes sometimes represented it, all that is needed is a conception of how the Government represents the Sovereign. Since the Law is only the declaration of the general will, it is clear that the People cannot be represented in the Legislative power. But it can and should be in the executive power, which is only force applied to the Law. This shows that very few Nations, on careful examination, would be found to have laws. However that may be, it is certain that the Tribunes, having no part of the executive power, could never represent the Roman People under the rights of their office, but only by usurping those of the Senate.

Among the Greeks, everything the People had to do, it did by itself. It was constantly assembled at the public square. It inhabited a mild climate; it wasn't greedy; slaves did its work; its most important business was its freedom. No longer having the same advantages, how can the same rights be preserved? Your more severe climates increase your needs;* during six months of the year, it is impossible to stay out in the public square; your indistinct languages cannot be heard outdoors; you are more concerned about your profit than your freedom; and you fear slavery far less than poverty.

What! Freedom can only be maintained with the support of servitude? Perhaps. The two extremes meet. Everything that is not in nature has its problems, and civil society more than all the rest. There are some unfortunate situations when one cannot preserve one's freedom except at the expense of others, and when the Citizen can only be perfectly free if the slave is completely enslaved. Such was Sparta's situation. As for you,

*In cold countries, to adopt the luxury and softness of the orientals is to want to be given their chains; it is to submit to these even more necessarily than they did.

modern peoples, you have no slaves, but you are slaves. You pay for their freedom with your own. You boast of that preference in vain; I find it more cowardly than humane.

I do not mean by all this that it is necessary to have slaves, nor that the right of slavery is legitimate, since I have proved the opposite. I only state the reasons why the modern peoples who believe they are free have Representatives, and why the ancient people did not have them. However this may be, the instant a People chooses Representatives, it is no longer free; it no longer exists.

All things considered, I do not see that it is henceforth possible for the Sovereign to preserve the exercise of its rights among us unless the City is very small. But if it is very small, will it be subjugated? No. I shall show later* how it is possible to combine the external power of a great People with the ease of regulation and good order of a small State.

Chapter XVI: That the Institution of the Government Is Not a Contract

Once the Legislative power has been well established, the problem is to establish the executive power in the same way.[107] For the latter, which only operates by means of particular acts, is essentially different from the former and hence is naturally separate from it. If it were possible for the Sovereign, considered as such, to have the executive power, right and fact would be so completely confounded that one would no longer know what is law and what isn't; and the body politic, thereby denatured, would soon fall prey to the violence against which it was instituted.

Since the Citizens are all equal by the social contract, what everyone ought to do can be prescribed by everyone, whereas no one has the right to require another to do what he himself does not do. Now it is precisely this right, indispensable for giving life and motion to the body politic, that the Sovereign gives to the Prince by instituting the Government.

Some have claimed that this act of establishment was a contract between the People and the leaders it chooses, a contract by which the two parties stipulated the conditions under which one assumed the obligation to command and the other to obey. It will be agreed, I am sure, that that is indeed a strange way to make a contract! But let us see whether this opinion is tenable.

First, the supreme authority cannot be modified any more than it can be alienated; to limit it is to destroy it. It is absurd and contradictory for

*This is what I had thought of doing in the sequel to this work, when in dealing with foreign relations, I would have discussed confederations. This subject is altogether new, and its principles have yet to be established.[106]

the Sovereign to choose a superior; to obligate oneself to obey a master is to return to one's full freedom.

Furthermore, it is evident that this contract between the people and specific persons would be a particular act. From which it follows that this contract could not be a law or an act of sovereignty, and that consequently it would be illegitimate.

It can also be seen that in relation to each other the contracting parties would be under the law of nature alone, and without any guarantee of their reciprocal engagements, which is contrary in all ways to the civil state. Since the one who has force available is always master of the outcome, it would be as sensible to give the name contract to the act of a man who would say to another, "I give you all my goods, on condition that you will give back whatever you please."

There is only one contract in the State, that of the association; and that one alone excludes all others. It is impossible to imagine any public Contract that was not a violation of the first one.

Chapter XVII: On the Institution of the Government

Under what idea, therefore, must the act by which the Government is instituted be conceived? I shall begin by noting that this act is complex, or composed of two others, namely the establishment of the law and the execution of the law.

By the first, the Sovereign enacts that there will be a Governmental body established under a specific form. And it is clear that this act is a law.

By the second, the People appoints the leaders who will be put in charge of the established Government. Now since this nomination is a particular act, it is not a second law, but solely a consequence of the first and a function of Government.

The difficulty lies in understanding how there can be an act of Government before the Government exists, and how the People, which is only Sovereign or subject, can become Prince or Magistrate in certain circumstances.

Here, again, is revealed one of those amazing properties of the body politic, by which it reconciles apparently contradictory operations. For in this case, the operation is accomplished by a sudden conversion of Sovereignty into Democracy, so that without any noticeable change, and solely by a new relation of all to all, the Citizens, having become Magistrates, pass from general to particular acts, and from the law to its execution.

This change of relation is no speculative subtlety without practical examples. It occurs daily in the English Parliament, where the lower house on certain occasions turns itself into a Committee of the whole to discuss

business better, and in so doing becomes a simple commission rather than the Sovereign Court of the preceding instant. It then reports to itself, as the House of Commons, on what it has just settled as a Committee of the whole, and it deliberates once again under one title over what it had already decided under another.

The peculiar advantage of Democratic Government is that it can be established in reality by a simple act of the general will. After this, the provisional Government remains in office, if such is the form adopted, or establishes in the name of the Sovereign the Government prescribed by law; and thus everything is according to rule. It is not possible to institute the Government in any other legitimate way without renouncing the principles established above.

Chapter XVIII: The Way to Prevent Usurpations by the Government

From these clarifications, it follows, in confirmation of chapter xvi, that the act that institutes the Government is not a contract but a Law; that the trustees of the executive power are not the masters of the people, but its officers; that the people can establish and depose them when it pleases; that there is no question of their contracting, but rather of obeying; and that in assuming the functions imposed on them by the State, they merely fulfill their duty as Citizens, without in any way having the right to argue over the conditions.

Therefore, when it happens that the People institutes a hereditary Government, whether it is a monarchy within one family or an aristocracy within one class of Citizens, this is not an engagement it undertakes. It is a provisional form it gives to the administration until it wishes to organize things differently.[108]

It is true that these changes are always dangerous, and that the established Government must never be touched until it becomes incompatible with the public good. But this circumspection is a maxim of politics and not a rule of right, and the State is no more compelled to leave civil authority to its leaders than military authority to its Generals.

It is also true that in such cases it is impossible to be too careful about observing all the requisite formalities, in order to distinguish a regular, legitimate act from a seditious tumult, and the will of an entire people from the clamors of one faction. It is above all in these dangerous cases[109] that demands must not be conceded except insofar as they cannot be denied by the full rigor of the law; and it is also from this obligation that the Prince derives a great advantage for preserving his power in spite of the people, without it being possible to say that he has usurped it. For while

apparently only using his rights, it is very easy for him to extend them, and under the pretext of public peace to prevent the holding of assemblies destined to reestablish good order. So that he takes advantage of a silence which he keeps from being broken, or of irregularities he himself has committed, to assume that the attitudes of those who are silenced by fear are in his favor, and to punish those who dare to talk. In this way, the Decemvirs, at first elected for one year and then continued for another, tried to retain their power in perpetuity, by no longer allowing the comitia to assemble. And it is by this simple means that all the governments of the world, once they are invested with the public force, sooner or later usurp the Sovereign authority.

The periodic assemblies I spoke of earlier are suited to prevent or postpone this misfortune, above all when they do not need formal convocation. For then the Prince could not prevent them without openly declaring himself a violator of the laws and an enemy of the State.

These assemblies, whose only object is the maintenance of the social treaty, should always be opened by two propositions that can never be omitted and that are voted on separately:

The first: *Does it please the Sovereign to preserve the present form of Government.*

The second: *Does it please the People to leave the administration in the hands of those who are currently responsible for it.*

Here, I assume what I believe I have demonstrated, namely, that in the State there is no fundamental law that cannot be revoked, not even the social compact. For if all the Citizens were to assemble in order to break this compact by common agreement, there is no doubt that it would be very legitimately broken. Grotius even thinks that each person can renounce the State of which he is a member and recover his natural freedom and his goods by leaving the country.* Now it would be absurd for all the Citizens together to be unable to do what each of them can do separately.

END OF THE THIRD BOOK

*On the understanding that the reason for leaving is not to evade one's duty and avoid serving the fatherland at the moment it needs us. In such a case, fleeing would be criminal and punishable; it would no longer be withdrawal, but desertion.[110]

BOOK IV

CHAPTER I: THAT THE GENERAL WILL IS INDESTRUCTIBLE

As long as several men together consider themselves to be a single body, they have only a single will, which relates to their common preservation and the general welfare. Then all the mechanisms of the State are vigorous and simple, its maxims are clear and luminous, it has no tangled, contradictory interests; the common good is clearly apparent everywhere, and requires only good sense to be perceived. Peace, union, and equality are enemies of political subtleties. Upright and simple men are hard to fool because of their simplicity; traps and refined pretexts do not deceive them. They are not even clever enough to be duped. When, among the happiest people in the world, groups of peasants are seen deciding the affairs of State under an oak tree, and always acting wisely, can one help scorning the refinements of other nations, which make themselves illustrious and miserable with so much art and mystery? [111]

A State governed in this way needs very few Laws, and to the degree that it becomes necessary to promulgate new ones, this necessity is universally seen. The first to propose them merely states what everyone has already felt, and there is no question of intrigues nor of eloquence to pass into law what each has already resolved to do as soon as he is sure that others will do likewise.

What misleads reasoners, who only see States that have been badly constituted from the beginning, is that they are struck by the impossibility of maintaining similar order in such States. They laugh when they imagine all the nonsense of which a clever swindler or an insinuating talker could persuade the people of Paris or London. They don't know that Cromwell would have been condemned to hard labor by the people of Berne, and the Duc de Beaufort sentenced to the reformatory by the Genevans.

But when the social tie begins to slacken and the State to grow weak; when private interests start to make themselves felt and small societies to influence the large one, the common interest changes and is faced with opponents; unanimity no longer prevails in the votes; the general will is no longer the will of all; contradictions and debates arise and the best advice is not accepted without disputes.

Finally, when the State, close to its ruin, continues to subsist only in an illusory and ineffectual form; when the social bond is broken in all hearts; when the basest interest brazenly adopts the sacred name of the public good, then the general will becomes mute; all—guided by secret motives—are no more Citizens in offering their opinions than if the State

had never existed, and iniquitous decrees whose only goal is the private interest are falsely passed under the name of Laws.

Does it follow from this that the general will is annihilated or corrupted? No, it is always constant, unalterable, and pure. But it is subordinate to others that prevail over it. Each person, detaching his interest from the common interest, sees perfectly well that he cannot completely separate himself from it; but his share of the public misfortune seems like nothing to him compared to the exclusive good that he claims he is getting. With the exception of this private good, he wants the general good in his own interest just as vigorously as anyone else. Even in selling his vote for money, he doesn't extinguish the general will within himself, he evades it. The mistake he makes is to change the state of the question and to answer something other than what he is asked. So that rather than saying through his vote *it is advantageous to the State*, he says *it is advantageous to a given man or to a given party for a given motion to pass*. Thus the law of public order in assemblies is not so much to maintain the general will therein as it is to be sure that it is always questioned and that it always answers.

I could make many reflections here about the simple right to vote in every act of sovereignty—a right that nothing can take away from the Citizens; and on the right to give an opinion, to make propositions, to analyze, to discuss, which the Government is always very careful to allow only to its members.[112] But this important subject would require a separate treatise, and I cannot say everything in this one.

Chapter II: On Voting

It can be seen from the preceding chapter that the way in which general matters are handled can provide a rather precise indication of the current state of the morals and health of the body politic. The more harmony there is in the assemblies, that is, the closer opinions come to obtaining unanimous support, the more dominant as well is the general will. But long debates, dissensions, and tumult indicate the ascendance of private interests and the decline of the State.

This appears less evident when two or more orders are part of the constitution, like the Patricians and Plebeians in Rome, whose quarrels often disturbed the comitia even in the finest period of the Republic. But this exception is more apparent than real; for then, by the vice inherent in the body politic, there are so to speak two States in one. What is not true of the two together is true of each of them separately. And in fact even in the stormiest times, the plebiscites of the people, when the Senate did not

interfere with them, always passed calmly and by a large majority of votes. Since the Citizens had only one interest, the people had only one will.

At the other extreme, unanimity returns. That is when the citizens, fallen into servitude, no longer have either freedom or will. Then fear and flattery turn voting into acclamations. Men no longer deliberate; they adore or they curse. Such was the abject manner in which the Senate expressed its opinions under the Emperors. Sometimes this was done with ridiculous precautions. Tacitus notes that under Otho, the Senators, while violently denouncing Vitellius, took pains to make a terrific noise at the same time, so that if by chance he became the master, he would be unable to know what each of them had said.[113]

From these various considerations arise the maxims that should regulate how votes are counted and opinions compared, depending on whether the general will is more or less easy to know and the State more or less declining.

There is only one law that, by its nature, requires unanimous consent. That is the social compact. For civil association is the most voluntary act in the world. Since every man is born free and master of himself[114] no one, under any pretext whatever, can subject him without his consent. To decide that the son of a slave is born a slave is to decide that he is not born a man.

If, therefore, at the time of the social compact, some are opposed to it, their opposition does not invalidate the contract; it merely prevents them from being included within it. They are foreigners among the Citizens. Once the State is instituted, consent is implied by residence. To inhabit the territory means to submit oneself to sovereignty.*

Except for this primitive contract, the vote of the majority always obligates all the others. This is a consequence of the contract itself. But it is asked how a man can be free and forced to conform to wills that are not his own. How can the opponents be free yet subject to laws to which they have not consented?

I reply that the question is badly put. The Citizen consents to all the laws, even to those passed in spite of him, and even to those that punish him when he dares to violate one of them. The constant will of all the members of the State is the general will, which makes them citizens and free.** When a law is proposed in the assembly of the People, what they

*This should always be understood to refer to a free State, because elsewhere an inhabitant can be kept in the country against his will by family, goods, the lack of a place of refuge, necessity, or violence; and then his sojourn alone no longer presupposes his consent to the contract or to the violation of the contract.

**In Genoa, the word *Libertas* can be read on the front of prisons and on convicts' chains in galleys. This application of the motto is noble and just. Indeed, it is only evildoers

are being asked is not precisely whether they approve or reject the proposal, but whether it does or does not conform to the general will that is theirs. Each one expresses his opinion on this by voting, and the declaration of the general will is drawn from the counting of the votes. Therefore when the opinion contrary to mine prevails, that proves nothing except that I was mistaken, and what I thought to be the general will was not. If my private opinion had prevailed, I would have done something other than what I wanted. It is then that I would not have been free.[115]

This presupposes, it is true, that all the characteristics of the general will are still in the majority. When they cease to be, there is no longer any freedom regardless of the side one takes.

In showing earlier how private wills were substituted for the general will in public deliberations, I have sufficiently indicated the feasible means of preventing this abuse. I shall discuss this again later.[116] With regard to the proportion of votes needed to declare this will, I have also given the principles on which it can be determined. The difference of a single vote breaks a tie; a single opponent destroys unanimity. But between unanimity and a tie there are several qualified majorities, at any of which the proportion can be established, according to the condition and needs of the body politic.

Two general maxims can serve to regulate these ratios. One, that the more important and serious the deliberations, the closer the winning opinion should be to unanimity. The other, that the more speed the business at hand requires, the smaller the prescribed difference in the division of opinions should be. In deliberations that must be finished on the spot, a majority of a single vote should suffice. The first of these maxims appears more suited to laws; the second, to business matters. However that may be, it is a combination of the two that establishes the proper ratio of the deciding majority.

Chapter III: On Elections

With regard to the elections of the Prince and the Magistrates, which are, as I have said, complex acts, there are two ways to proceed, namely by choice and by drawing lots. Both of these have been used in various Republics, and a very complicated mixture of the two is still seen in our times in the election of the Doge of Venice.

Voting by lot, says Montesquieu, *is in the nature of Democracy*. I agree, but why is this so? *The lot*, he continues, *is a way of electing that offends no*

---

of all classes who prevent the Citizen from being free. In a country where all such men were in Galleys, the most perfect freedom would be enjoyed.

one; it provides each Citizen with a reasonable hope of serving the fatherland.[117] Those are not reasons.

If it is carefully noted that the election of leaders is a function of Government, and not of Sovereignty, it will be seen why the drawing of lots is more in the nature of Democracy, in which the administration is better to the extent that its acts are fewer in number.

In every genuine Democracy, the magistracy is not an advantage but a burdensome responsibility, which cannot fairly be placed on one private individual rather than another. The law alone can impose this responsibility on the one to whom it falls by lot. For then, as the condition is equal for all, and the choice is not dependent on any human will, there is no particular application that alters the universality of the law.

In an Aristocracy, the Prince chooses the Prince; the Government preserves itself, and it is there that voting is appropriate.

The example of the election of the Doge of Venice confirms, rather than destroys, this distinction. This combined form is suited to a mixed Government. For it is an error to mistake the Government of Venice for a true Aristocracy. Although the People there has no part in the Government, the nobility itself is like the people. A multitude of poor Barnabites[118] never came close to any magistracy, and all they get out of their nobility is the empty title Excellence and the right to attend the grand Council. Since this grand Council is as numerous as our general Council in Geneva, its illustrious members have no more privileges than our simple Citizens. It is certain, discounting the extreme disparity of the two Republics, that the Genevan bourgeoisie is exactly equivalent to the Venetian Patriciate; our natives and inhabitants are equivalent to the Bourgeois and people of Venice; our peasants are equivalent to the subjects on the mainland. Finally, apart from its size, however that Republic is considered, its Government is no more aristocratic than ours. The entire difference is that since we have no leader for life, we do not have the same need to draw lots.

Elections by lot would not have many drawbacks in a genuine Democracy, in which the choice would become almost indifferent, since everything is equal in morals and talents as well as in maxims and fortunes. But I have already said that there is no genuine Democracy.

When choice and lot are combined, the former should fill the positions that require special talents, such as military employments. The latter is suited to those for which good sense, justice, and integrity suffice, such as judicial responsibilities; because in a well-constituted state, these qualities are common to all the Citizens.

Neither lot nor voting has any place in a monarchical Government.

Since the Monarch is by right the sole Prince and unique Magistrate, the choice of his lieutenants is his alone. When the Abbé de St. Pierre suggested multiplying the Councils of the King of France and electing the members by Ballot, he did not realize that he was proposing to change the form of the Government.[119]

It remains for me to discuss the manner in which the votes are cast and collected in the assembly of the people. But perhaps the history of the Roman regulations in this regard will explain more tangibly all the maxims I could establish. It is not beneath the dignity of a judicious reader to consider in some detail how public and private affairs were handled in a Council of two hundred thousand men.[120]

Chapter IV: On the Roman Comitia

We have no very reliable remains of the earliest period of Rome. It is even highly probably that most of what is related about it are fables.* And in general the most instructive part of the annals of peoples, which is the history of their establishment, is the part that we know least about. Experience teaches us daily the causes that give rise to the revolutions of empires. But since no more peoples are being formed, we have scarcely anything but conjectures to explain how they were formed.

The practices that are found established are at least evidence that these practices had an origin. Traditions that go back to these origins, those supported by the greatest authorities and confirmed by the strongest reasons, should be accepted as the most certain. These are the maxims I have tried to follow in seeking how the freest and most powerful people on earth exercised its supreme power.

After the foundation of Rome, the emerging Republic—that is, the army of the founder, composed of Albans, Sabines, and foreigners—was divided into three classes, which on the basis of this division took the name *Tribes*. Each of these Tribes was subdivided into ten Curiae, and each Curia into Decuries, at the head of which were placed leaders called *Curions* and *Decurions*.

In addition to that, a body of one hundred Horsemen or Knights, called a Century, were drawn from each Tribe. It can be seen from this that these divisions, hardly necessary in a market-town, were merely military at first. But it seems that an instinct for greatness caused the little town of Rome to furnish itself in advance with regulations suited to the capital of the world.

*The name *Rome*, which supposedly comes from Romulus, is Greek, and means *force*. The name *Numa* is Greek too, and means *Law*. How likely is it that the first two Kings of that city had in advance names so highly relevant to what they did? [121]

This initial division soon gave rise to a drawback. The Tribes of the Albans* and of the Sabines** always remained constant, while that of the foreigners*** grew continually due to the perpetual influx of new members, so that it soon grew larger than the other two. The remedy Servius found for this danger was to change the division, and to substitute for the one based on races, which he abolished, another drawn from the location in the city occupied by each Tribe. Instead of three Tribes, he made four. Each of them occupied one of the hills of Rome and bore its name. Thus, while remedying the existing inequality, he prevented its recurrence in the future. And so that this division was not merely one of location but also of men, he forbade the inhabitants of one quarter to move into another, which prevented the races from mixing together.

He also doubled the three ancient centuries of Horsemen, and added twelve others to them, but still under the old names, a simple and judicious way by which he succeeded in distinguishing the body of Knights from that of the People without creating discontent among the latter.

To the four urban Tribes, Servius added fifteen others called rustic Tribes, because they were composed of rural inhabitants who were divided into the same number of cantons. Later, the same number of new ones were created, and the Roman People was finally divided into thirty-five Tribes, the number at which they remained until the end of the Republic.

This distinction between Town Tribes and rural Tribes produced an effect worthy of note, because there is no other example of it and because Rome owed to it both the preservation of its morals and the growth of its empire. It might be thought that the urban Tribes soon arrogated the power and honors to themselves and did not delay in degrading the rustic Tribes. The very opposite happened. The early Romans' taste for country life is well-known. They derived it from the wise founder who combined rustic and military labors with freedom, and so to speak relegated to the town arts, crafts, intrigue, fortune, and slavery.

Thus, since all who were most illustrious in Rome lived in the country and tilled the soil, it became customary to seek the mainstays of the Republic only there. Since this condition was that of the worthiest Patricians, it was honored by everyone. The simple and hardworking life of village People was preferred to the idle and lax life of the Bourgeois in Rome. And someone who would have been nothing but a wretched pro-

**Ramnenses*
***Tatienses*
****Luceres*

letarian in the town, became a respected Citizen as a farmer in the fields. It was not without reason, said Varro, that our magnanimous ancestors established Villages as the nursery of those robust and valiant men who defended them in time of war and nourished them in time of peace. Pliny says positively that the rural Tribes were honored because of the men who composed them, whereas cowards who were to be degraded were transferred in dishonor to Tribes of the Town.[122] When the Sabine Appius Claudius came to settle in Rome, he was showered with honors there and inscribed in a rustic Tribe which afterward assumed the name of his family. Finally, freedmen all entered urban Tribes, never rural ones. And during the entire Republic, there is not a single example of those freedmen achieving any magistracy, even though they had become Citizens.

This maxim was excellent, but it was pushed so far that it finally resulted in a change and certainly an abuse in the regulations.

First, the Censors, after having long arrogated to themselves the right to transfer citizens arbitrarily from one Tribe to another, allowed most of them to be inscribed in whichever one they pleased. This permission surely served no good purpose, and removed one of the crucial mechanisms of censorship. Furthermore, since the Upper Classes and those with power all had themselves inscribed in rural Tribes, and since freedmen who had become Citizens remained with the populace in town Tribes, the Tribes in general no longer had either location or territory. Instead, they became so intermingled that it was no longer possible to discern the members of each except by the registers; so that the idea of the word *Tribe* shifted from property to persons, or rather became almost a chimera.

It happened, further, that the town Tribes, being closer at hand, were often the strongest in the comitia, and sold the State to those who stooped to buying the votes of the rabble who composed them.

With regard to the Curiae, since the founder had created ten of these in each Tribe, the entire Roman people at that point enclosed within the town walls was composed of thirty Curiae, each of which had its temples, its Gods, its officers, its priests, and its festivals called *compitalia*, similar to the *Paganalia* which the rustic tribes had subsequently.

When Servius created the new division, this number thirty could not be divided up equally among the four Tribes; he did not want to alter it, so the Curiae, independent of the Tribes, became a separate division of the inhabitants of Rome. But there was no question of Curiae either within the rustic Tribes or among the people composing them, because the Tribes had become a purely civil establishment and another regulation had been introduced for the raising of troops, so that the military

divisions of Romulus were found to be superfluous. Thus although every Citizen was inscribed in a Tribe, nowhere near everyone was inscribed in a Curia.

Servius created yet a third division which had no relationship to the two preceding ones, and which, through its effects, became the most important of all. He divided the entire Roman people into six classes, which he distinguished neither by location nor by personal attributes, but by wealth. So that the first classes were filled by the rich, the last by the poor, and the middle ones by those who enjoyed a moderate fortune. These six classes were subdivided into 193 other bodies called centuries, and these bodies were so distributed that the first Class alone comprised more than half of them, and the last only one. Thus it was that the Class that was least numerous in men was most numerous in centuries, and the entire last class counted only as one subdivision even though alone it contained more than half the inhabitants of Rome.

In order that the people would have less understanding of the consequences of this last division, Servius pretended to give it a military appearance. He inserted two centuries of armorers into the second class and two centuries of instruments of war into the fourth. In each Class, except the last, he distinguished the young from the old, that is those who were obligated to carry arms from those whose age exempted them by law—a distinction which, even more than that of wealth, produced the necessity of frequently redoing the census or enumeration. Finally, Servius wanted the assembly to be held at the Campus Martius and all those of military age to come there with their arms.

The reason he did not follow this same division of young and old in the last class is that the populace of which it was composed was not accorded the honor of bearing arms for the fatherland. It was necessary to have homes in order to obtain the right to defend them; and of those countless troops of beggars who today adorn the armies of Kings, there would not have been one, perhaps, who would not have been disdainfully run out of a Roman cohort when soldiers were the defenders of freedom.

However there was still one distinction made in the last class, between the *proletarians* and those called *capite censi*. The former, not completely destitute, at least gave the State Citizens, and sometimes even soldiers when needs were pressing. As for those who had nothing whatever, and who could be counted only by their heads, they were regarded as completely worthless, and Marius was the first who deigned to enroll them.

Without deciding here if this third type of enumeration was good or bad in itself, I think I can assert that it was only made practicable by the simple morals of the early Romans, their disinterestedness, their taste

for agriculture, their disdain for commerce and for the desire for profit. Where is the modern people whose devouring greed, uneasiness of mind, intrigue, continual moving about, and perpetual revolutions in fortunes would allow such an establishment to last for twenty years without overturning the whole State? It must also be carefully noted that morals and censorship, which were stronger than this institution, corrected its vices in Rome, and that a given rich man could find himself relegated to the class of the poor if he made too great a display of his wealth.

From all this, it is easy to understand why mention is almost never made of more than five classes, even though there were really six. The sixth, since it furnished neither soldiers for the army nor voters at the Campus Martius,* and was of almost no use in the Republic, was rarely counted for anything.

Such were the different divisions of the Roman people. Now let us see what effect these divisions produced on the assemblies. These assemblies, when legitimately convoked, were called *Comitia*. They were usually held in the Roman forum or at the Campus Martius, and were either comitia by Curiae, Comitia by Centuries, or Comitia by Tribes, according to which of these three divisions was the basis of organization. The comitia by Curiae were derived from the institution of Romulus, those by Centuries from that of Servius, and those by Tribes from that of the Tribunes of the people. No law received sanction, no magistrate was elected except in the Comitia. And since there was no Citizen who was not inscribed in a Curia, in a Century, or in a Tribe, it follows that no Citizen was excluded from the right to vote, and that the Roman People was truly sovereign by right and in fact.

Three conditions had to be met in order for the Comitia to be legitimately assembled and for what they did to have the force of law. First, the body or Magistrate who convoked them had to be invested with the necessary authority to do so. Second, the assembly had to be held on one of the days sanctioned by law. Third, the auguries had to be favorable.

The reason for the first rule needs no explanation. The second is an administrative matter. Thus it was not allowed to hold Comitia on holidays and market days, when the people from the countryside, coming to Rome for business, did not have time to spend the day in the forum. By means of the third rule, the Senate held in check a proud and restless people, and appropriately tempered the ardor of seditious Tribunes, who nonetheless found more than one way to circumvent this constraint.

* I say *Campus Martius* because it was there that the Comitia were assembled by centuries. In the other two forms, the people assembled at the *forum* or elsewhere, and then the *Capite censi* had as much influence and authority as the first Citizens.

The Laws and the election of leaders were not the only issues submitted to the judgment of the Comitia. Since the Roman people had usurped the most important functions of Government, it can be said that the fate of Europe was decided in its assemblies. This variety of objects gave rise to the different forms these assemblies assumed according to the matters to be decided.

To judge these different forms, it suffices to compare them. In instituting the Curiae, Romulus's purpose was to restrain the Senate by the People and the People by the Senate, while he dominated both equally. He therefore gave the people, through that form, all the authority of number to balance that of power and wealth which he left to the Patricians. But in keeping with the spirit of Monarchy, he nevertheless left a greater advantage with the Patricians through the influence of their Clients on the majority of the votes. This admirable institution of Patrons and Clients was a masterpiece of politics and humanity, without which the Patriciate, so contrary to the spirit of the Republic, could not have survived. Rome alone had the honor of giving the world this fine example, which never led to any abuse, yet which has never been followed.

Since this same form of Curiae survived under the Kings until Servius, and since the reign of the last Tarquin was not considered legitimate, the royal laws were generally distinguished by the name *leges curiatae*.

Under the Republic, the Curiae, which were always limited to the four urban Tribes and no longer included anyone but the populace of Rome, were no longer suited either to the Senate, which was at the head of the Patricians, or to the Tribunes, who, although plebeians, were at the head of the well-to-do Citizens. Therefore the curiae became discredited, and they were so degraded that an assembly of their thirty Lictors did what the comitia by Curiae ought to have done.

The division into Centuries was so favorable to Aristocracy that it is not at first apparent why the Senate did not always prevail in the Comitia of that name and by which the Consuls, Censors, and other curule Magistrates were elected. Indeed, of the one hundred ninety-three centuries that constituted the six Classes of the entire Roman People, since the first Class included ninety-eight, and since the votes were only counted by centuries, this first class alone prevailed over all the others by the number of its votes. When all of its Centuries were in agreement, they did not even continue to collect the votes. What the smallest number decided was taken as a decision of the multitude; and it can be said that in the Comitia by Centuries matters were more often settled by a majority of money than by one of votes.[123]

But this extreme authority was tempered in two ways. First, since

usually the Tribunes—and always a large number of Plebeians—were in the class of the rich, they balanced the credit of the Patricians in this first class.

The second way was as follows. Rather than to have the Centuries start to vote according to their order, which would have meant that the first always began, one Century was drawn by lot, and that one* alone proceeded with the election. After this, all the Centuries were called on another day according to their rank, repeated the same election, and usually confirmed it. Thus the authority of example was taken away from rank and given to lot, in accordance with the principle of Democracy.

This practice produced still another advantage, which was that the Citizens from the country had time between the two elections to inform themselves of the merit of the provisionally named Candidate, so that they could vote knowledgeably. But on the pretext of speed, this practice was finally abolished and the two elections were held on the same day.

The Comitia by Tribes were really the Council of the Roman people. They were convoked only by the Tribunes. The Tribunes were elected and had their plebiscites passed in them. Not only did the Senate have no rank in them, but it did not even have the right to attend them; and since the Senators were forced to obey laws on which they could not vote, they were less free in this regard than the last Citizens. This injustice was a complete mistake, and alone was enough to invalidate the decrees of a body to which all its members were not admitted. If all the Patricians had attended these Comitia in accordance with their right as Citizens, since they would then have become simple private individuals, they could hardly have influenced a form of voting based on counting heads, and in which the humblest proletarian carried as much weight as the Prince of the Senate.

Thus it can be seen that apart from the order that resulted from these various divisions on the way the votes of such a large People were collected, these divisions cannot be dismissed as in themselves indifferent, because each one had effects related to the attitudes that favored it.

Without going into greater detail about this, the foregoing clarifications indicate that the Comitia by Tribes were the most favorable to popular Government, and the Comitia by Centuries to Aristocracy. With regard to the Comitia by Curiae, where the populace of Rome alone formed the majority, since these were only good for favoring tyranny and evil schemes, they inevitably fell into disrepute, and the seditious themselves abstained from a means that overly exposed their projects. It

*The century drawn by lot in this way was called *prae rogativa*, because it was the first to be asked for its vote; and that is the origin of the word *prerogative*.

is certain that all the majesty of the Roman People was found only in the Comitia by Centuries, which alone were complete, since the Comitia by Curiae lacked the rustic Tribes and the Comitia by Tribes lacked the Senate and the Patricians.

As for the manner of collecting the votes, among the early Romans it was as simple as their morals, although less simple than in Sparta. Each person voted aloud; a Registrar wrote down the votes as they were given. A majority of votes within each Tribe determined the vote of the Tribe; a majority of votes among the Tribes determined the vote of the people; and the same was true for the Curiae and Centuries. This practice was good as long as honesty prevailed among the Citizens and each was ashamed to vote publicly for an unjust opinion or an unworthy subject. But when the people became corrupt and votes were bought, it was agreed that voting should be done in secret in order to restrain buyers by distrust and provide scoundrels with the means not to be traitors.

I know that Cicero blames this change and attributes to it in part the ruin of the Republic.[124] But although I am aware of the weight Cicero's authority should carry on this point, I cannot share his opinion. I think, on the contrary, that the downfall of the State was hastened because more changes of this sort were not made. Just as the regimen of healthy people is not suited to the sick, one must not want to govern a corrupt people by the same Laws that are suited to a good people. Nothing proves this maxim better than the duration of the Republic of Venice, the semblance of which still exists uniquely because its laws are only suited to wicked men.

Thus ballots were distributed to the Citizens on which each one could vote without others knowing his opinion. New formalities were also established for collecting the ballots, counting the votes, comparing the numbers, etc.; all of which did not prevent the fidelity of the Officers in charge of these functions* from often being suspected. Finally, in order to prevent intrigue and the buying of votes, Edicts were passed, whose number demonstrates their uselessness.

Toward the end, it was often necessary to have recourse to extraordinary expedients to bolster up the inadequacy of the laws. Sometimes miracles were invented; but this means, which could fool the people, could not fool those who governed it. Sometimes an assembly was convoked suddenly, before the Candidates had time to arrange their intrigues. Sometimes an entire session was consumed by talk, when it was seen that the people was won over and ready to make a bad choice. But

**Custodes, Diribitores, Rogatores suffragiorum.*

finally ambition eluded everything. And what is unbelievable is that in the midst of so many abuses, by virtue of its ancient regulations this immense people did not cease to elect its Magistrates, pass laws, try cases, and expedite private or public affairs almost as smoothly as the Senate itself might have done.

Chapter V: On the Tribunate

When an exact proportion cannot be established between the constituent parts of the State, or when indestructible causes constantly alter the relationships between them, a special magistracy is then instituted which does not form a body with the others; which places each term back in its true relationship; and which creates a link or middle term either between the Prince and the People or between the Prince and the Sovereign, or on both sides at once if necessary.

This body, which I shall call the *Tribunate*, is the preserver of the laws and of the legislative power. Sometimes it serves to protect the Sovereign against the Government, as the Tribunes of the people did in Rome; sometimes to sustain the Government against the People, as the Council of Ten now does in Venice; and sometimes to maintain a balance on both sides, as the Ephors did in Sparta.[125]

The Tribunate is not a constituent part of the City, and should not have any portion of the legislative or executive power. But it is for this very reason that its own power is greater, for although it can do nothing, it can prevent everything. It is more sacred and revered as a defender of the Laws than the Prince who executes them and the Sovereign who makes them. This was seen very clearly in Rome when the proud Patricians, who always scorned the entire people, were forced to yield before a simple officer of the people, who had neither auspices nor jurisdiction.

A wisely tempered Tribunate is the firmest support of a good constitution. But if it has even a little too much force, it upsets everything. Weakness is not in its nature, and provided that the tribunate counts for something, it will never be less than is necessary.

It degenerates into tyranny when it usurps the executive power, of which it is only the moderator, and when it wants to dispense laws, which it should only protect. The vast power of the Ephors, which was without danger as long as Sparta preserved its morals, accelerated corruption once it began. The blood of Agis, murdered by these tyrants, was revenged by his successor. The crime and punishment of the Ephors equally hastened the downfall of the Republic; and after Cleomenes, Sparta was no longer anything. Rome also perished in the same way, and the excessive power that the Tribunes gradually usurped was finally used, with the help of laws

made to protect freedom, as a safeguard for the Emperors who destroyed it. As for the Council of Ten in Venice, it is a bloody Tribunal, equally horrible for the Patricians and the People, and which, far from proudly protecting the laws, now only serves after their debasement for striking shady blows that no one dares notice.

The Tribunate, like the Government, is weakened by the multiplication of its members. When the Tribunes of the Roman people, at first two in number, then five, wanted to double this number, the Senate allowed them to do so, certain that some would restrain others, which is just what happened.

The best way to prevent usurpations by such a formidable body—one that no Government has thought of up to now—would be not to make this body permanent, but to regulate intervals during which it would be suppressed. These intervals, which should not be long enough to give abuses the time to become established, can be fixed by law in such a way that it is easy to cut them short, in case of need, by special commissions.

This method appears to me to present no difficulties because, since the Tribunate—as I have said—is not part of the constitution, it can be removed without doing the constitution any harm. And it appears effective to me because a newly established magistrate does not start from the power his predecessor had, but from that given to him by the law.

Chapter VI: On Dictatorship

The inflexibility of laws, which prevents them from adapting to events, can in certain cases make them pernicious, and they can cause the downfall of the State during a crisis.[126] The order and slowness of formalities require a space of time which circumstances sometimes do not permit. A thousand situations for which the Legislator has made no provision can arise, and it is a very necessary foresight to realize that one cannot foresee everything.

It is necessary, therefore, not to want to strengthen political institutions to the point of removing the power to suspend their effect. Even Sparta let its laws lie dormant.

But only the greatest dangers can outweigh the danger of altering the public order, and one should never suspend the sacred power of the laws except when it is a matter of the safety of the fatherland. In these rare and manifest cases, a special act provides for public security, placing responsibility for it in the worthiest hands. This commission can be given in two ways, according to the type of danger.

If, as a remedy, it suffices to increase the activity of the government, it is concentrated in one or two of its members. Thus it is not the au-

thority of the laws that is altered, but merely the form by which they are administered. If the peril is such that to guard against it, the apparatus of the laws is an obstacle, then a supreme leader is named who silences all the laws and momentarily suspends Sovereign authority. In such a case, the general will is not in doubt, and it is evident that the first intention of the people is that the State should not perish. In this manner, the suspension of legislative authority does not abolish it. The magistrate who silences it cannot make it speak; he dominates it without being able to represent it. He can do anything, except make laws.

The first means was used by the Roman Senate when it entrusted the Consuls, by a consecrated formula, with providing for the safety of the Republic. The second occurred when one of the two Consuls named a Dictator,* a practice for which Alba set the precedent in Rome.

At the beginnings of the Republic, recourse to Dictatorship was taken often, because the State did not yet have a stable enough basis to be able to sustain itself by the force of its constitution. Since the morals of that period made many precautions superfluous that would have been necessary in other times, there was no fear either that a Dictator would abuse his authority or that he would try to keep it beyond his term. It seemed, on the contrary, that such a great power was a burden to the one in whom it was vested, so quickly did he hasten to be rid of it, as though an office that took the place of the laws would have been too painful and too dangerous.

Thus it is not the danger of abuse but rather that of debasement which leads me to blame the indiscriminate use of this supreme magistracy in early times. For while it was being squandered on Elections, Dedications, and pure formalities, it was to be feared that it would become less formidable in time of need, and that people would grow accustomed to consider empty a title that was used only in empty ceremonies.

Toward the end of the Republic, the Romans, having become more circumspect, used the Dictatorship sparingly with as little reason as they had formerly squandered it. It was easy to see that their fear was ill-founded, that the weakness of the capital then guaranteed it against the Magistrates in its midst; that a Dictator could in certain situations defend public freedom without ever being able to threaten it; and that Rome's chains would not be forged in Rome itself, but in its armies. The feeble resistance of Marius against Sulla and of Pompey against Caesar showed clearly what could be expected of internal authority against external force.

This error caused them to make great mistakes. For example, not

*This nomination was made at night and in secret, as though it were shameful to place a man above the laws.

having named a Dictator in the Catiline affair; for since it was only a question of the interior of the town and at most of some province in Italy, with the unlimited authority that the laws gave the Dictator he would easily have dissipated the conspiracy, which was suppressed only by a combination of chance factors which human prudence could never have anticipated.

Instead of that, the Senate was content to place all its power in the Consuls. Because of this, Cicero, in order to act effectively, was constrained to exceed this power in a crucial respect; and although the first explosions of joy gave approval to his conduct, later on he was justly called to account for the blood of Citizens spilled against the laws, a reproach that could not have been made to a Dictator. But the Consul's eloquence carried the day. And since even he, although a Roman, preferred his glory to his fatherland, he did not seek the most legitimate and surest way to save the State so much as the way that would bring him the greatest honor from this affair.* Thus he was justly honored as the liberator of Rome and justly punished as a violator of the laws. However brilliant his recall, it is certain that it was a pardon.

In any event, no matter how this important commission is conferred, it is important for its duration to be fixed at a very short term which can never be prolonged. In the crises that call for its establishment, the State is soon destroyed or saved, and once the urgent need has passed, the Dictatorship becomes tyrannical or useless. In Rome, where the Dictators were named for only six months, most of them abdicated before this term. If the term had been longer, perhaps they would have been tempted to prolong it further, as did the Decemvirs with a term of one year. The Dictator had only the time to attend to the need that led to his election; he did not have enough to think up other projects.

Chapter VII: On Censorship

Just as the general will is declared by the law, public judgment is declared by censorship.[127] Public opinion is the kind of law of which the Censor is the Minister, and which he only applies to particular situations, following the example of the Prince.

Therefore the censorial tribunal, far from being the arbiter of the people's opinion, merely declares it, and as soon as this body departs from that opinion, its decisions are useless and ineffective.

There is no use in distinguishing between the morals of a nation and the objects of its esteem,[128] for all of these things stem from the same

*He could not be certain of this in proposing a Dictator, since he did not dare name himself, and he could not be sure that his colleague would name him.

principle and are necessarily intermingled. Among all the peoples of the world, it is not nature, but opinion that determines the choice of their pleasures. Reform men's opinions and their morals will purify themselves. One always likes what is beautiful or what one finds to be so, but it is this judgment that may be mistaken. Therefore, the problem is to regulate this judgment. Whoever judges morals judges honor, and whoever judges honor derives his law from opinion.

A people's opinions arise from its constitution. Although the law does not regulate morals, it is legislation that gives rise to them. When legislation weakens, morals degenerate, but then the judgment of Censors will not be able to do what the force of law has not done.

It follows from this that Censorship can be useful for preserving morals, but never for reestablishing them. Establish Censors when the Laws are in full vigor. As soon as the laws have lost it, the situation is desperate; nothing legitimate has force any longer when the laws no longer have any.

Censorship maintains morals by preventing opinions from becoming corrupt; by preserving their rectitude through wise application; sometimes even by determining them when they are still uncertain. The use of seconds in duels, which became a passion in the kingdom of France, was abolished there by the following few words in an Edict of the King: *as for those who are so cowardly as to call upon Seconds*. This judgment, anticipating that of the public, determined it at once. But when the same Edicts tried to proclaim that it was also an act of cowardice to fight duels—which is quite true, but contrary to common opinion—the public scorned this decision, upon which its judgment was already formed.

I have said elsewhere* that since public opinion is not subject to constraint, there must be no vestige of constraint in the tribunal established to represent it. The art with which this mechanism, altogether lost among modern peoples, was set to work among the Romans and better still among the Lacedemonians cannot be sufficiently admired.

When a man of bad morals offered a good opinion in the council of Sparta, the Ephors, taking no notice of it, had a virtuous Citizen propose the same opinion. What an honor for one, what a shaming for the other, without even having praised or blamed either of the two. Certain drunkards from Samos** defiled the Tribunal of the Ephors. The following day, a public edict gave the Samians permission to be filthy. A real punishment would have been less severe than such impunity. When Sparta declared what is or is not decent, Greece did not contest its judgments.

*In this chapter, I merely indicate what I have treated at greater length in the *Letter to M. d'Alembert*.

**They came from another island which the delicacy of our language forbids me to name in this context.[129]

Chapter VIII: On Civil Religion

Men at first had no other Kings than the Gods, nor any other Government than Theocracy.[130] They reasoned like Caligula and then they reasoned correctly. A long period of change in sentiments and ideas was necessary before men could bring themselves to accept a fellow man as a master and flatter themselves that this was a good arrangement.

By the sole fact that God was placed at the head of every political society, it followed that there were as many Gods as there were peoples. Two peoples foreign to each other and nearly always enemies could not recognize the same master for long; two armies battling one another could not obey the same leader. Thus national divisions resulted in polytheism, and beyond that in theological as well as civil intolerance, which are naturally the same thing, as will be stated hereafter.

The whimsical notion of the Greeks to find their own Gods in those of barbarian peoples came from their other notion that they were the natural Sovereigns of these peoples. But in our day, the equation of the Gods of various nations is ridiculous erudition, as if Moloch, Saturn, and Cronus could have been the same God; as if the Phoenicians' Baal, the Greeks' Zeus, and the Romans' Jupiter could have been the same; as if chimerical Beings, bearing different names, could have something in common!

The question may be asked why under paganism, when each State had its cult and its Gods, there were no wars of Religion. I reply that it was for this very reason that each State, having its own cult as well as its Government, did not distinguish between its Gods and its laws. Political war was also Theological. The departments of the Gods were, so to speak, fixed by the boundaries of Nations. The God of one people had no right over other peoples. The Gods of the Pagans were not jealous Gods. They divided dominion over the world among themselves. Moses himself and the Hebrew People accepted this idea sometimes when speaking of the God of Israel. It is true that they regarded as nothing the Gods of the Canaanites, a proscribed people destined for destruction, and whose land they were to occupy. But notice how they spoke of the divinities of neighboring peoples whom they were forbidden to attack! *Is not the possession of what belongs to Chamos your God*, said Jeptha to the Ammonites, *legitimately yours? By the same token, we possess the lands that our victorious God has acquired.** It seems to me that this was a clear acknowledgment of parity between the rights of Chamos and those of the God of Israel.

**Nonne ea quae possidet Chamos deus tuus tibi jure debentur*? So reads the text of the Vulgate. Father de Carrières has translated it: *Do you not believe you have the right to possess what belongs to Chamos your God*? I am ignorant of the implication of the Hebrew text; but I

But when the Jews, subjected to the Kings of Babylon and later to the kings of Syria, wanted to remain obstinate in not acknowledging any other God than theirs, this refusal, regarded as rebellion against the victor, brought on them the persecutions of which we read in their history, and of which there are no other examples prior to Christianity.*

Therefore, since each Religion was uniquely attached to the laws of the State that prescribed it, there was no other way to convert a people except to subjugate it, nor any missionaries other than conquerors. And as the obligation to change cult was the law of the vanquished, it was necessary to start by winning before talking about it. Far from men fighting for the Gods, it was—as in Homer—the Gods who fought for the men. Each man asked his own God for Victory and paid for it with new altars. Before capturing a place, the Romans called upon its Gods to abandon it; and when they let the people of Tarantum keep their angry Gods, it was because at that point the Romans considered those Gods as subject to their own and forced to pay them homage. They let the vanquished keep their Gods as they let them keep their laws. A crown for the Capitoline Jupiter was often the only tribute they imposed.

Finally the Romans, having spread their cult and their Gods along with their empire, and having themselves often adopted the Gods of the vanquished by granting legal status in the City to them all, the peoples of that vast empire gradually come to have multitudes of Gods and of cults, which were approximately the same everywhere. And that is how paganism in the known world finally became a single, identical Religion.

It was under these circumstances that Jesus came to establish a Spiritual kingdom on earth. By separating the theological system from the political system, this brought about the end of the unity of the State, and caused the internal divisions that have never ceased to stir up christian peoples. Now since this new idea of an otherworldly kingdom could never enter the head of the pagans, they always regarded the Christians as true rebels who, beneath a hypocritical submissiveness, were only awaiting the moment to become independent and the masters, and to usurp adroitly the authority they pretended to respect out of weakness. This was the cause of the persecutions.[133]

What the pagans feared happened. Then everything took on a different appearance, the humble Christians changed their language, and soon this

---

see that in the Vulgate Jephtha positively acknowledges the right of the God Chamos, and that the French Translator weakens this recognition by an *according to you* which is not in the Latin.[131]

* It is perfectly evident that the war of the Phocians called the holy war was not a war of Religion. Its object was to punish sacrilege, not to subjugate nonbelievers.[132]

supposedly otherworldly kingdom was seen to become, under a visible leader, the most violent despotism in this world.

However, since there has always been a Prince and civil laws, this double power has resulted in a perpetual conflict of jurisdiction that has made any good polity impossible in christian States, and no people has ever been able to figure out whom it was obligated to obey, the master or the priest.

Several peoples, however, even in Europe or near it, have wanted to preserve or reestablish the ancient system, but without success. The spirit of christianity has won over everything. The sacred cult has always remained, or again become independent of the Sovereign, and without a necessary bond with the body of the State. Mohammed had very sound views; he tied his political system together well, and as long as the form of this Government subsisted under his successors the Caliphs, the Government was completely unified, and good for that reason. But when the Arabs became prosperous, lettered, polished, soft, and weak, they were subjugated by barbarians. Then the division between the two powers began again. Although it is less apparent among the mohammedans than among the Christians, it is there nonetheless, especially in the sect of Ali, and there are States, such as Persia, where it is continually felt.

Among us, the Kings of England have established themselves as heads of the Church, and the Czars have done the same thing. But by this title, they have made themselves not so much the masters as the Ministers. They have acquired not so much the right to change it as the power to maintain it. They are not its legislators; they are only its Princes. Wherever the Clergy constitutes a body,* it is master and legislator in its domain. There are, therefore, two powers, two Sovereigns, in England and in Russia just as everywhere else.

Of all Christian Authors, the philosopher Hobbes is the only one who correctly saw the evil and the remedy, who dared to propose the reunification of the two heads of the eagle, and the complete return to political unity, without which no State or Government will ever be well constituted. But he ought to have seen that the dominating spirit of Christianity was incompatible with his system, and that the interest of the Priest would always be stronger than that of the State. It is not so much what is hor-

* It must be carefully noted that it is not so much formal assemblies, like those in France, that bind the clergy into a body as it is the communion of churches. Communion and excommunication are the social compact of the clergy, a compact by means of which it will always be master of peoples and Kings. All the priests who take communion together are fellow citizens, even though they may come from opposite ends of the earth. This invention is a political masterpiece. The pagan Priests had nothing that resembles it, and therefore they never constituted a body of Clergymen.

rible and false in his politics as what is correct and true that has made it odious.*

I believe that by treating the historical facts in this light, one would easily refute the opposing sentiments of Bayle and Warburton, one of whom claims that no Religion is useful to the body politic, the other of whom maintains, to the contrary, that Christianity is its firmest support. One would prove to the former that a State has never been founded without Religion serving as its base, and to the latter that Christian law is fundamentally more harmful than useful to the strong constitution of a State. To make myself completely understood, it is only necessary to give a little more precision to the overly vague ideas about Religion that are relevant to my subject.

Considered in relation to society, which is either general or particular, Religion can also be divided into two types, namely the Religion of man and that of the Citizen.[135] The former, without Temples, altars, or rituals, limited to the purely internal cult of the Supreme God and to the eternal duties of morality, is the pure and simple Religion of the Gospel, true Theism, and what may be called natural divine right. The latter, inscribed in a single country, gives it its Gods, its own tutelary Patrons. Its dogma, rites, and external cult are prescribed by laws. Outside the single Nation that observes it, everything is considered infidel, foreign, barbarous; it only extends the duties and rights of man as far as its altars. Such were all the Religions of the early peoples, to which the name of civil or positive divine right can be given.

There is a third, more bizarre, type of Religion which, by giving men two legislative systems, two leaders, and two fatherlands, subjects them to contradictory duties, and prevents them from being simultaneously devout men and Citizens. The Religion of the Lamas is like this, as is that of the Japanese, and Roman Catholicism. It can be called the religion of the Priest. It leads to a type of mixed and unsocial right that has no name.

Considered from a political point of view, each of these three types of religion has its faults. The third is so manifestly bad that it is a waste of time to amuse oneself by proving it. Everything that destroys social unity is worthless. All institutions that put man in contradiction with himself are worthless.

The second is good in that it combines the divine cult and love of the laws, and by making the fatherland the object of the Citizens' adoration,

*Consider, among other things, in a Letter Grotius wrote to his brother, April 11, 1643, what this learned man approves and what he blames in the book *De Cive*. It is true that, being indulgent, he appears to pardon the author's good points for the sake of his bad ones. But everyone is not so clement.[134]

it teaches them that to serve the State is to serve its tutelary God. It is a kind of Theocracy in which there ought to be no other pontiff than the Prince, nor other priests than the magistrates. Then to die for one's country is to be martyred, to violate the laws is to be impious, and to subject a guilty man to public execration is to deliver him to the anger of the Gods: *sacer estod*.[136]

But this religion is bad in that, being based on error and falsehood, it deceives men, makes them credulous, superstitious, and drowns the true cult of divinity in empty ceremonial. It is bad, too, whenever it becomes exclusive and tyrannical and makes a people bloodthirsty and intolerant to the point where it lives only for murder and massacre, and believes it performs a holy act when killing whoever does not accept its Gods. This places such a people in a natural state of war with all others, which is very harmful to its own security.

There remains the Religion of man, or Christianity—not that of today, but that of the Gospel, which is totally different from it. Through this saintly, sublime, genuine Religion, men—children of the same God—all acknowledge one another as brothers, and the society that unites them is not even dissolved by death.

But this Religion, having no particular relation to the body politic, leaves laws with only their intrinsic force, without adding any other force to them; and because of this, one of the great bonds of particular societies remains without effect. Even worse, far from attaching the Citizens' hearts to the State, it detaches them from it as from all worldly things. I know of nothing more contrary to the social spirit.[137]

We are told that a people of true Christians would form the most perfect society that can be imagined. I see only one major difficulty in this assumption, which is that a society of true christians would no longer be a society of men.

I even say that assuming such a society existed with all its perfection, it would be neither the strongest nor the most lasting. By dint of being perfect, it would lack cohesion; its destroying vice would lie in its very perfection.

Everyone would fulfill his duty, the people would be subject to the laws, the leaders would be just and moderate, the magistrates honest and incorruptible, the soldiers would scorn death, there would be neither vanity nor luxury. All that is very well, but let us look further.

Christianity is a totally spiritual religion, uniquely concerned with Heavenly matters. The Christian's fatherland is not of this world. He does his duty, it is true, but he does it with profound indifference for the good or bad outcome of his efforts. As long as he has nothing to reproach him-

self for, it matters little to him whether things go well or badly here on earth. If the State is flourishing, he barely dares to enjoy the public felicity for fear of becoming proud of his country's glory. If the State declines, he blesses the hand of God that weighs heavily on his people.

In order for the society to be peaceful and for harmony to last, all Citizens without exception would have to be equally good Christians. But if unfortunately there is a single ambitious man, a single hypocrite—a Catiline, for example, or a Cromwell—he will very certainly get the better of his pious compatriots. Christian charity makes it hard to think ill of one's neighbor. As soon as he has learned the art of how to trick them through some ruse and seize part of the public authority for himself, he will be a man of constituted dignity; it is God's will to respect him. Soon he is powerful; it is God's will to obey him. Does the depository of this power abuse it? He is the rod with which God punishes His children. It would be against conscience to chase out the usurper, for it would be necessary to disturb the public tranquillity, use violence, shed blood. All of that is inconsistent with the gentleness of a Christian. And after all, what does it matter whether one is free or a serf in this vale of tears? The essential thing is to go to paradise, and resignation is but an additional means of doing so.

What if a foreign war breaks out? The Citizens march readily to combat; none among them thinks of fleeing; they do their duty, but without passion for victory. They know how to die rather than to win. What does it matter if they are victors or vanquished? Doesn't providence know better than they what is good for them? Imagine how a proud, impetuous, passionate enemy can take advantage of their stoicism! Confront them with those generous peoples consumed by a burning love of glory and fatherland; suppose that your christian republic is face to face with Sparta or Rome. The pious christians will be beaten, crushed, destroyed before they have had time to look around, or they will owe their salvation only to the scorn their enemies will conceive for them. The oath taken by the soldiers of Fabius was a fine one to my mind. They did not swear to die or to win; they swore to return as victors, and they kept their promise. Christians would never have made such a promise; they would have believed they were tempting God.

But I am mistaken when I speak of a Christian Republic; these two words are mutually exclusive. Christianity preaches nothing but servitude and dependence. Its spirit is so favorable to tyranny that tyranny always profits from it. True Christians are made to be slaves.[138] They know it and are scarcely moved thereby; this brief life is of too little worth in their view.

Christian troops are excellent, we are told. I deny this. Let someone show me some. For myself, I don't know of any christian Troops. The crusades will be cited. Without arguing over the valor of the crusaders, I shall note that very far from being Christians, they were soldiers of the priest, they were Citizens of the Church; they were fighting for its Spiritual country, which the church had made temporal in some unknown way. Properly understood, this amounts to paganism. Since the Gospel does not establish a national Religion, a holy war is impossible among Christians.

Under the pagan Emperors, Christian soldiers were brave. All Christian Authors assert this, and I believe it. There was a competition for honor against the pagan Troops. As soon as the Emperors were Christians, this emulation ceased, and when the cross chased out the eagle, all Roman valor disappeared.

But setting political considerations aside, let us return to right and determine its principles concerning this important point. The right that the social compact gives the Sovereign over the subjects does not exceed, as I have said, the limits of public utility.* The subjects, therefore, do not have to account for their opinions to the Sovereign, except insofar as these opinions matter to the community. Now it matters greatly to the State that each Citizen have a Religion that causes him to love his duties; but the dogmas of that Religion are of no interest either to the State or to its members; except insofar as these dogmas relate to morality, and to the duties that anyone who professes it is obliged to fulfill toward others. Everyone can have whatever opinions he pleases beyond that, without the Sovereign having to know what they are. For since the sovereign has no competence in the other world, whatever the fate of subjects in the life hereafter, it is none of its business, as long as they are good citizens in this one.

There is, therefore, a purely civil profession of faith, the articles of which are for the Sovereign to establish, not exactly as Religious dogmas, but as sentiments of sociability without which it is impossible to be a good Citizen or a faithful subject.** Without being able to obligate

**In the Republic*, says the Marquis d'Argenson, *each person is perfectly free with regard to everything that does not harm others*. That is the unvarying limit. It cannot be stated with greater precision. I have not been able to forego the pleasure of citing this manuscript a few times, even though it is unknown to the public, to honor the memory of an illustrious and respectable man, who preserved even in the Office of Minister the heart of a true citizen, and upright and healthy views about the government of his country.[139]

** In pleading for Catiline, Caesar tried to establish the dogma of the mortality of the soul. To refute him, Cato and Cicero wasted no time philosophizing. They contented themselves with showing that Caesar was speaking as a bad Citizen and advancing a doctrine

anyone to believe them, the sovereign can banish from the State anyone who does not believe them. The sovereign can banish him not for being impious, but for being unsociable; for being incapable of sincerely loving the laws, justice, and of giving his life, if need be, for his duty. If someone who has publicly acknowledged these same dogmas behaves as though he does not believe them, he should be punished with death. He has committed the greatest of crimes: he lied before the laws.[140]

The dogmas of the civil Religion ought to be simple, few in number, stated with precision, without explanations or commentaries. The existence of a powerful, intelligent, beneficent, foresighted, and providential Divinity; the afterlife; the happiness of the just; the punishment of the wicked; the sanctity of the social Contract and the Laws. These are the positive dogmas. As for the negative ones, I limit them to a single one: intolerance. It belongs with the cults we have excluded.[141]

Those who make a distinction between civil and theological intolerance are mistaken, in my opinion. These two intolerances are inseparable. It is impossible to live in peace with people whom one believes are damned. To love them would be to hate God who punishes them. They must absolutely be either brought into the faith or tormented. Wherever theological intolerance exists, it is impossible for it not to have some civil effect;* and as soon as it does, the Sovereign is no longer Sovereign, even over temporal matters. From then on, Priests are the true masters; Kings are merely their officers.

Now that there is no longer and can never again be an exclusive national Religion, one should tolerate all those religions that tolerate others insofar as their dogmas are in no way contrary to the duties of the Citizen. But whoever dares to say *there is no Salvation outside of the Church*

---

that was pernicious to the State. Indeed, this was what the Roman Senate had to judge, and not a question of theology.

*Marriage, for example, being a civil contract, has civil effects without which society could not even subsist.[142] Suppose, then, that a Clergy obtains for itself alone the right to pass this act, a right it inevitably usurps in any intolerant Religion. Then isn't it clear that by asserting the Church's authority in this domain, it will render ineffectual that of the Prince, who will have no other subjects than those whom the Clergy is willing to give him? As the master of which people can or cannot be married, according to whether they do or do not subscribe to one or another doctrine, whether they accept or reject one or another religious formula, whether they are more or less devout, isn't it clear that by behaving prudently and standing firm, the clergy will have at its sole command inheritances, offices, the Citizens, the State itself, which could not subsist if it were composed only of bastards? But, it will be objected, appeal will be made against such abuses; there will be summonses, decrees, seizures of church holdings. What a pity! If the Clergy has a little, I won't say courage, but good sense, it will let this happen and go on as usual. It will tranquilly allow the appeals, summonses, decrees, and seizures, and will end up by being the master. It is not, it seems to me, a great sacrifice to abandon a part when one is sure to take possession of the whole.

should be chased out of the State, unless the State is the Church, and the Prince is the Pontiff. Such a dogma is good only in a Theocratic Government; in any other it is pernicious. The reason for which Henry IV is said to have embraced Roman Catholicism ought to make all honest men—and especially all Princes capable of reasoning—leave it.[143]

Chapter IX: Conclusion

After setting forth the true principles of political right and trying to found the State on this basis, what remains to be done is to buttress the State by its foreign relations, which would include the law of nations, commerce, the right of war and conquest, public law, alliances, negotiations, treaties, etc. But all that constitutes a new object, too vast for my limited purview. I should always have set my sights closer to myself.[144]

END

EDITORS' NOTES TO
Social Contract

1. Rousseau carefully chose both his title and subtitle, as is proven by the hesitations on the first draft: see *Geneva Manuscript*, editorial note 1. On the meaning of the terms he finally chose, see Introduction, pp. xv–xvii. Roger D. Masters, *Political Philosophy of Rousseau* (Princeton, N. J.: Princeton University Press, 1968), 259–293; and Robert Derathé, *Jean-Jacques Rousseau et la Science politique de son temps* (Paris: Presses Universitaires de France, 1950).

2. Although Rousseau technically lost his citizenship when he converted to Catholicism after running away from Geneva at the age of sixteen, it was officially restored in 1754: *Confessions*, VIII (Pléiade, I, 392–393). Rousseau, however, only added *Citoyen de Genève* to the title pages of those "works that I believe will do honor" to Geneva: *Julie, ou la Nouvelle Héloïse*, Seconde Préface (Pléiade, II, 27).

3. "In an equitable federation, we will make laws." Virgil, *Aeneid* xi. 321. Rousseau chose his epigraphs with care because he considered such liminary quotations to symbolize an entire work: *Rousseau Judge of Jean-Jacques*, Dialogue III (*Collected Writings*, I, 218), and Masters, *Political Philosophy of Rousseau*, 15, n. 56. In this case, he seems to have chosen a classic example of a social contract, as if according to Virgil's poem Rome was founded by free consent. In context, however, the line comes from a speech by the King of Latium, whose army has just been defeated by the Trojans under Aeneas. A new Trojan attack interrupts the assembly, and the victorious Aeneas founds Rome on the "right of the strongest." Compare *Second Discourse*, Part 2 (*Collected Writings*, III, 52–54), *Social Contract*, IV, iv, note, and *Geneva Manuscript*, I, ii (above, pp. 80–81): in *fact*, political society rests on violence and deceit, whereas the social contract is a matter of *right*. As Rousseau

put it in the *Geneva Manuscript*, I, v: "I seek right and reason, and do not argue over facts."

4. Rousseau's description of the origin of this project is worth citing at length: "Of the various writings I had in progress [in 1756, when Rousseau left Paris to live in the country house of Mme d'Epinay], the one which I meditated about for the longest time, which I attended to with the most relish, which I wanted to work on for my whole life, and which in my opinion ought to put the seal on my reputation was my *Institutions Politiques*. I had conceived its first idea thirteen or fourteen years before, when—being in Venice [as Secretary to the Comte de Montaigu, French Ambassador, in 1743–1744]—I had had some occasion to notice the flaws of that so vaunted Government. Since then, my views had been much more extended by means of historical study of morality. I had seen that everything depends radically on politics, and that from whatever aspect one considered it, no people ever would be anything other than what it was made into by the nature of its Government; thus this great question of the best possible Government appeared to me to be reduced to this one. What is the nature of Government suited to forming a people that was the most virtuous, the most enlightened, most wise, in sum the best, taking this word in its most extended sense. I had believed I had seen that this question depended very closely on this other one, if it even differs from it: What is the Government which by its nature keeps itself closest to the law? From that, what is the law? and a chain of questions of that importance. I saw that all this was leading me to great truths, useful to the happiness of the human race, but above all to that of my fatherland." *Confessions*, VIII (Pléiade, I, 404–405). Rousseau goes on to say that, "although I had been laboring on that work for five or six years already, it was still barely advanced" (ibid.). This corresponds well with Rousseau's letter to Moultou of January 18, 1762: "I should tell you that I am having printed in Holland a small work that is entitled *Du Contrat social ou Principes du droit politique*, which is extracted from a larger work, entitled *Institutions politiques*, started ten years ago and abandoned as I cease writing, and in any event an enterprise that was certainly beyond my strength" (Pléiade, III, 1431). Rousseau thus started serious work on his *Political Institutions* around 1751 but only made major headway with it after 1756. Despite Rousseau's "Foreword," some fragments from his original project seem to have survived, notably *Etat de guerre* ("That the State of War is born from the Social State"—Vaughan I, 293–307, or Pléiade, III, 601–616) and many of the fragments contained in this volume.

5. The duality of Rousseau's perception of the problem of political theory deserves emphasis: "men as they are" have concerns of "interest" or "utility" which "prescribe" limits to a solution, whereas "laws as they can be" depend on considerations of "right" and "justice" which "permit"—but only permit—of legitimacy. In other words, Rousseau will try to adjust "right" and "justice" to the necessary demands of self-interest. Compare *Geneva Manuscript*, I, ii.

6. This passage is probably a veiled criticism of King Frederick the Great of Prussia who had published a book entitled *Anti-Machiavel*: see Masters, *Political Philosophy of Rousseau*, 306–309. Rousseau is also insisting that citizens have the right of free discussion of political matters.

7. Compare *Political Economy* (*Collected Writings*, III, 161). Despite this praise, Rousseau's ambivalent attitude toward his native Geneva has been noted (Introduction, note 27 and references there cited). This ambivalence is not, however, merely a logical contradiction. Since Geneva's republican regime is superior to monarchies, it deserves to be a model for French readers; for Genevan readers, in contrast, the issue is the extent to which one can slow down the inevitable decline of all governments toward despotism. Compare *Letter to d'Alembert* (ed. Bloom, 17–18, 58–65, 92–123) and *Letter to Philopolis* (*Collected Writings*, III, 127–32) with *Social Contract*, III, x.

8. This chapter is a revised version of the first two paragraphs of *Geneva Manuscript*, I, iii (p. 82). For an explanation of the apparently awkward translation of this famous sentence, see Introduction, pp. xii–xv. The next sentence deserves particular attention, because it denounces all forms of personal power and authority. As Rousseau says elsewhere: "Freedom (*la liberté*) does not consist as much in acting according to one's own will as in not being subjected to the will of anyone else; it also consists in not subjecting the will of another to our own. Whoever is master cannot be free, and to rule is to obey." *Lettres écrites de la montagne*, VIII (Pléiade, III, 841, 1434). Cf. Hegel's striking analysis of "Lordship and Bondage" in *Phenomenology of Mind* (ed. Baillie [London: George Allen & Unwin, 1931], 229–240). According to one of Rousseau's fragments, in "the relation of master and slave" both participants are "always in a state of war" (Vaughan, I, 310, or Pléiade, III, 615). On the remainder of this paragraph, see also editorial note 15 to the *Geneva Manuscript*.

9. This chapter was added when Rousseau reorganized Book I, putting his rejection of alternative definitions of the "social bond" before his own principles (whereas in the *Geneva Manuscript* most of this material was in I, v—after the presentation of the "general will" in I, iii–v). Because the passage of the *Geneva Manuscript*, I, v, which rejects paternal authority as the source of political power had been used in *Political Economy*, presumably Rousseau decided to write a new discussion. The first sentence appears to reflect a shift from the argument of the *Second Discourse*, which treats "the establishment of the family" as the result of a "first revolution" changing man's isolation in the pure state of nature: see Part 1 (*Collected Writings*, III, 38–40), Part 2 (45–46), and note *10 (86–90). Compare, however, the *Essay on the Origin of Languages*, chapter ix: "In the first times, men, scattered over the face of the earth, had no society but that of the family, no laws but those of nature, no language but that of gesture and some inarticulate sounds. They were not bound by any idea of common fraternity and, having no other arbiter than force, they believed themselves to be one another's enemies." On the status of the family in the state of nature, see Masters, *Political Philosophy of Rousseau*, 125–136.

10. In the margin of his copy of the *Social Contract*, Voltaire wrote: "But it has to be agreed that this convention is indicated by nature" (ed. de Jouvenel, 175). Rousseau follows Locke's argument in the *Second Treatise of Civil Government*, vi, especially § 55, 61–71 (ed. P. Laslett [Cambridge, Eng.: Cambridge University Press, 1963] 322–323, 326–332). See also *Second Discourse*, Part 2 (*Collected Writings*, III, 57–58) and *Geneva Manuscript*, I, v (89–91—used with revisions in *Political*

Economy (*Collected Writings*, III, 140–141). On the relationship between paternal and political authority, compare Plato, *Statesman*, 258c, 259c, 276c–e, 287c–291c; Aristotle, *Politics*, I.i. 1252a (ed. E. Barker [Oxford: Clarendon Press, 1952], 1); and Jean Bodin, *Six livres de la République*, I, ii (cited Pléiade, III, 1434).

11. "It is not true, generally and without restriction, that all power is established in favor of those who are governed. There are powers which, by themselves, are established in favor of the one who governs, such as the power of a master over his slave." Grotius, *Droit de la guerre et de la paix*, I, iii, § 8 (trad. Barbeyrac—cited in Pléiade, III, 1435). Compare the dialogue between Thrasymachus and Socrates in Plato's *Republic*, 338a–354c (ed. A. Bloom [New York: Basic Books, 1968], 15–34).

12. In the first edition, the author was indicated only by the initials "M. L. M. d'A." This treatise, which Rousseau cited in 1762 from a manuscript, was subsequently published by Rey in 1764 under the title *Considérations sur le gouvernement ancien et présent de la France*; in the 1782 edition of the *Social Contract*, based on Rousseau's emendations, d'Argenson's name is spelled out. On the possible significance of this work, see Rousseau's fifth note to Book IV, chap. viii, and Masters, *Political Philosophy of Rousseau*, 307–309. Note that whereas Grotius supposedly tries to "establish right by fact," for Rousseau the necessary procedure is to "test facts by right": *Second Discourse*, Part 2 (*Collected Writings*, III, 58). "Let the reader remember that here it is less a question of history and facts than of right and justice." *Etat de guerre* (Pléiade, III, 603).

13. Rousseau seems to refer to Hobbes's argument that "whatsoever he [the sovereign] doth, it can be no injury to any of his subjects; nor ought he to be by any of them accused of injustice." Thomas Hobbes, *Leviathan*, II, xviii (ed. M. Oakeshott [Oxford: Blackwell, 1960]) 115. For the origin of the comparison between a leader and a shepherd, see Thrasymachus' speech in Plato's *Republic*, I. 343a–344c (ed. Bloom, 21–22).

14. For the source of Rousseau's reference to Philo (*De Legatione ad Caium*), see Pléiade, III, 1435. Aristotle, in *Politics*, I.ii. 1252a, argues that "the element which is able, by virtue of its intelligence, to exercise forethought, is naturally a ruling and master element; the element which is able, by virtue of its bodily power, to do what the other element plans, is a ruled element, which is naturally in a state of slavery" (ed. Barker, 3). Note, however, that Aristotle—unlike Thrasymachus or Grotius—immediately adds: "and master and slave have accordingly a common interest" (ibid.). See also *Politics*, I.v–vi. 1254a–1254b (ed. Barker, 11–17).

15. This short dialogue in Plutarch's *Moralia* is worth reading: in reply to Ulysses' request that the Greeks turned into animals be released in human form, Circe asks him to persuade one of them, named Gryllus, that this would be desirable. Gryllus then explains why "man is the most miserable and most calamitous animal in the world," whereas "the soul of animals is better disposed and more perfect for producing virtue, since without being forced, or commanded, or taught . . . it produces and nourishes the virtue which, according to nature, suits each one." Hence, instead of proving that slavery is unnatural—as the text leads one to expect—Plutarch's dialogue suggests that human *civilization* is unnatural and corrupt; indirectly, the citation thus echoes the central theme of the

Second Discourse (*Collected Writings*, III, 181, n. 26) Rousseau probably consulted the French translation by Jacques Amyot: *Oeuvres morales et meslées de Plutarque* (Geneva: Jacob Stoer, 1627), 273–276.

16. Rousseau thus rejects with irony Filmer's argument for "the natural power of kings"; compare Locke, *First Treatise of Government*, especially xi, § 111 (ed. Laslett, 239–240).

17. Like the preceding chapter, this one was newly written for the final version. Rousseau's insistence that "might does not make right" deserves more emphasis than it is usually given, since it means that "legitimate authority" must be freely accepted "in *conscience*" even by those who are being punished for violating the rules. See editorial note 37. The second sentence contains an untranslatable play on words: when Rousseau speaks of the "right of the strongest" as a right that is "*réellement établi en principe*," he could mean either that this right is "*in principle* really established" in the works of political theorists like Grotius or Hobbes, or that this right was "really established *in the beginning*" (i.e., that human history was originally based only on the right of the strongest). Compare *Geneva Manuscript*, I, ii; *Essay on the Origin of Languages*, chapter ix; *Second Discourse*, Part 1 (*Collected Writings*, III, 41), Part 2 (65), and note *12 (91–92).

18. Compare St. Paul's *Letter to the Romans*, xiii, 1–2: "You must all obey the governing authorities. Since all government comes from God, the civil authorities were appointed by God, and so anyone who resists authority is rebelling against God's decision, and such an act is bound to be punished." *Jerusalem Bible* (Garden City, N.Y.: Doubleday, 1971), 209.

19. With the exception of the sixth paragraph (largely from *Geneva Manuscript*, I, v), this chapter was also written anew for the final version. See the fifth fragment at the end of the *Geneva Manuscript*, used in the eleventh paragraph. The argument of the chapter as a whole, however, echoes the fragment originally titled, "That the State of War is born from the Social State"—usually called *Etat de guerre* (Pléiade, III, 601). This fragment is of interest because it is an attack on the "horrible system of Hobbes" (Pléiade, III, 610), whereas the final version of the *Social Contract* criticizes "Grotius and others." Although the shift may be related to Rousseau's qualified praise of Hobbes in Book IV, chap. viii, the central thrust remains hostile to the Hobbesian version of the social compact.

20. Rousseau paraphrases Grotius, *Droit de la guerre et de la paix*, I, iii. § 8 (trans. Barbeyrac), cited in Pléiade, III, 1438.

21. Homer, *Odyssey*, IX. 216–436. Compare *Etat de guerre*, where Rousseau first uses this example: "I open the books on right and morality, I listen to the scholars and jurists and, touched by their insinuating discourses, I admire the peace and justice established by the civil order, I bless the wisdom of public institutions, and I console myself for being a man by seeing myself as a citizen. Well taught concerning my duties and my happiness, I close the book, leave the classroom, and look around me. I see unfortunate peoples groaning under an iron yoke, the human race crushed by a handful of oppressors, a starving crowd worn out by difficulty and hunger whose blood and tears the rich drink in peace, and everywhere the strong armed against the weak with the fearsome power of the laws. All that is done peacefully and without resistance; it is the tranquillity of Ulysses'

companions trapped in the Cyclop's cave, waiting to be devoured" (Pléiade, III, 608–609). Rousseau emphatically denies Hobbes's argument that it is rational to abandon one's natural freedom to enter any society as long as it is peaceful and quiet. Compare *Leviathan*, II, xviii (ed. Oakeshott, 120), and Locke, *Second Treatise*, xix, § 228 (ed. Laslett, 434–435).

22. Compare *Second Discourse*, Part 2 (*Collected Writings*, III, 57–59). The remainder of this paragraph is taken from *Geneva Manuscript*, I, v, tenth paragraph.

23. For the relevant passages, see Grotius, *Droit de la guerre et de la paix*, II, v, § 27, and Pufendorf, *Droit de la nature et des gens* VI, iii, § 5 (cited in Pléiade, III, 1438). See also Hobbes's notion of a "commonwealth by acquisition," *Leviathan*, II, xx (ed. Oakeshott, especially 132–133).

24. For the original draft of this paragraph, see *Etat de guerre* (Pléiade, III, 602–603). The technical point, as this fragment had stressed, is that a state of war in any juridical or "rational" sense can only exist between "the moral beings" known as States, not between individuals (as in Hobbes's state of nature). As Rousseau puts it in *Geneva Manuscript*, I, v, the "state of war" presupposes a "free and voluntary convention."

25. This note was added by Rousseau and first published in the edition of 1782, in which the word "better" was inadvertantly omitted from the first sentence.

26. For the rest of this paragraph up to the last sentence, see the fifth fragment at the end of the *Geneva Manuscript*. Rousseau's argument rests on what he called "fundamental distinctions" in *Etat de Guerre*: "if things are only considered according to the strict interpretation of the social pact, the land, money, men, and all that is comprised within the boundaries of the state belong to it without reserve. But since the rights of society, founded on those of nature, cannot annihilate them, all these objects should be considered in a double relationship: namely, the soil as public territory and as individuals' patrimony, goods as belonging in one sense to the sovereign and in another to the property owners, the inhabitants as citizens and as men. At bottom, since the body politic is only a moral person, it is only a being of reason. Remove the public convention, at that instant the State is destroyed without the slightest alteration in everything that composes it; and all the conventions of men could never change anything in the nature of things" (Pléiade, III, 608). Compare Montesquieu, *Esprit des lois*, X, iii, and XV, ii.

27. Again, this chapter was newly written for the final version; however, compare *Geneva Manuscript*, I, v.

28. In addition to Grotius (see editorial note 20 above), this passage criticizes Hobbes, who admits that each individual has "tacitly covenanted" to accept a majority vote before the assembly "hath by consenting voices declared a sovereign" *Leviathan*, II, xviii (ed. Oakeshott, 115). Rousseau insists that the "true basis of society" is Hobbes's "tacit covenant," whereas Hobbes had treated the subsequent election of the sovereign or ruler as the social contract. In other words, Rousseau's definition of the social contract can be treated as the logic that leads any assembly to accept the principle of majority rule.

29. This chapter is revised from second through fourth paragraphs of *Geneva Manuscript*, I, iii, which became the first two and last two paragraphs of the final version. Note that from the outset, Rousseau treats the problem of social obligations in terms of Newtonian mechanics ("forces," "resistance," "obstacles," etc.).

Compare the image of the "general will" as a "frictionless surface" in *Geneva Manuscript*, I, iv, and Introduction, p. xxi, as well as the repeated references to "springs," "levers," and other mechanistic analogies in the final text.

30. This paragraph, added in the final version, implies that Rousseau's definition of the social contract is analogous to the law of gravity. "Everywhere the same," even if "never" stated, like Newton's law, Rousseau's principle is also self-enforcing: if "the social contract is violated," it follows immediately that "each man recovers his original rights and resumes his natural freedom." Compare the passage of *Etat de guerre* cited in editorial note 26: because the social contract establishes a psychological or rational commitment to live as a community, the sovereign is only a "moral" body and can be destroyed without touching the physical or natural existence of the men and objects comprising it. See also the "important proposition" in the first paragraph of *Geneva Manuscript*, I, iv, and *Social Contract*, editorial notes 35 and 36.

31. These additions to the first draft emphasize the importance of avoiding any form of personal dependence. As Rousseau says in *Emile*, II: "There are two sorts of dependence: dependence on things, which is from nature; dependence on men, which is from society. Dependence on things, since it has no morality, is in no way detrimental to freedom and engenders no vices. Dependence on men, since it is without order, engenders all the vices, and by it the master and slave are mutually corrupted. If there is any means of remedying this ill in society, it is to substitute law for man, and to arm the general wills with a real strength superior to the action of every particular will. If the laws of nations could like those of nature have an inflexibility that no human force could ever conquer, dependence on men would then become dependence on things again; in the republic all the advantages of the natural state would be united with those of the civil state, and freedom, which keeps man exempt from vices would be joined to morality which raises him to virtue" (Pléiade, IV, 311; ed. Bloom, 55). That this passage relates to the *Social Contract* is proven by a note appended at the word "disordered": "In my *Principles of Political Right*, it is demonstrated that no particular will can be ordered in the social system" (ibid.). For a particularly insightful study of the attitudes that led Rousseau to detest dependence on other individuals, see Judith N. Shklar, "Rousseau's Images of Authority," in *Hobbes and Rousseau*, ed. Maurice Cranston and Richard S. Peters (Garden City, N.Y.: Anchor Books, 1972), 333–365.

32. Rousseau refers to the early editions of Bodin's *Les Six livres de la République*, I, vi, and to d'Alembert's *Geneva* in Volume VII of the *Encyclopédie* (both cited in Pléiade, III, 1446, 1448). Note that Rousseau's terminology takes the ancient *polis* or city (in contemporary terms, "city-state") as the norm. Compare Diderot's articles *Cité* and *Citoyen* in Volume III of the *Encyclopedia* (1753), *Diderot: Political Writings*, ed. Mason and Wokler, 12–17. The resulting rehabilitation of the word "citizen" was to have profound effects during the French Revolution. Compare *Emile*, IV: "As if there were citizens who were not members of the city, and who did not as such have a part in the sovereign authority. But the French, having judged it suitable to usurp the respectable name of citizens, a name formerly merited by the members of the Gallic cities—have denatured the idea of citizenship to the point where one no longer has any conception of it" (Pléiade,

IV, 664, note; ed. Bloom, 337). Although the word "bourgeois" has taken on a Marxist class connotation not intended by Rousseau, it will be used to translate the French "*bourgeois*."

33. This chapter is taken over, with some additions and deletions, from *Geneva Manuscript*, I, iii, fifth through seventh paragraphs.

34. This paragraph, an addition to the first draft, could be read as an assertion of the territorial and social inviolability of the modern nation-state. Compare Alfred Cobban, *Rousseau and the Modern State* (London: George Allen & Unwin, 1934).

35. These two sentences, added to the first draft, emphasize the extent to which the "body politic" is a "moral person" or "being of reason." See Introduction, pp. xvi–xxvi, and *Social Contract*, editorial note 26.

36. Note that as the state *is* a "moral person" and thus, in a sense, "a being produced by reason," Rousseau's principles of political right could increase injustice if they are taught to selfish or corrupted men. "The democratic constitution is certainly the masterpiece of political art: but the more admirable its artifice, the less it belongs to all eyes to penetrate it." *Lettres écrites de la montagne*, VIII (Pléiade, III, 838). Compare *First Discourse*, Part 2 (*Collected Writings*, II, 21–22).

37. The last phrase seems a puzzling contradiction in terms and has led some to call Rousseau a "totalitarian": for example, J. L. Talmon, *The Origins of Totalitarian Democracy* (New York: Praeger, 1960), 38–49; Lester G. Crocker, "Rousseau et la voie du totalitarisme," *Rousseau et la Philosophie Politique* (Paris: Presses Universitaires de France, 1965), 99–136. In context, however, the sentence concerns the means by which each individual can have an obligation, in *conscience*, to obey the laws he has previously enacted. Rousseau applied precisely this reasoning in defending his works against the charges brought by the Magistrates of Geneva: "an accuser must convince the accused before the judge. To be treated as a wrongdoer, it is necessary that I be convinced of being one." *Lettres écrites de la montagne*, I (Pléiade, III, 693). For a brilliant psychological analysis of the phrase "forced to be free," see John Plamenatz, "Ce qui ne signifie autre chose sinon qu'on le forcera d'être libre," in *Hobbes and Rousseau*, ed. Cranston and Peters, 318–332. That the passage concerns the conscience of the individual was made clear by the deleted sentence concerning "the oath" and each man's "inner maxims," which comes after the words "vain formula" in *Geneva Manuscript*, I, iii. See also the third paragraph of *Geneva Manuscript*, I, vii, which reappears in *Political Economy* (*Collected Writings*, III, 145–146). On Rousseau's definition of freedom, see *Social Contract*, editorial note 8.

38. The first two paragraphs of this chapter come from *Geneva Manuscript*, I, iii, eighth and ninth paragraphs. Although Rousseau praises civil society, his pessimistic view of history leads to a strong qualification: "if the abuses of this new condition did not often degrade him beneath the condition from which he emerged." Compare *Second Discourse*, especially note *8 (*Collected Writings*, III, 80–86); *Emile*, II (cited in *Social Contract*, editorial note 31), and Introduction, pp. xii–xv. The last paragraph of this chapter, an addition to the first draft, clearly refers to *Emile* as the work in which Rousseau "said too much" about the "philosophic meaning of the word *freedom*."

39. This chapter is a revised version of the last five paragraphs of *Geneva Manuscript*, I, iii; the second paragraph is added; and the third and fourth come from *Geneva Manuscript*, I, v (ninth and eighth paragraphs respectively). On the relation of the "right of the strongest," "the right of the first occupant," and the "right of property," see also *Second Discourse*, Part 2 (*Collected Writings*, III, 50–54). Rousseau's principles are quite consciously critical of European colonial policies, as was particularly clear in the first draft; see Rousseau's note to *Geneva Manuscript*, I, v (eighth paragraph).

40. Compare *Emile*, IV: "The universal spirit of the laws of every country is always to favor the strong against the weak and these who have against those who have not. This inconvenience is inevitable, and it is without exception" (Pléiade, IV, 524, note; ed. Bloom, 236). On the difference in tone between *Emile* and *Social Contract*, see Introduction, p. xii–xv.

41. The original draft of this chapter—*Geneva Manuscript*, I, iv—was heavily revised when Rousseau reworked it. This sentence shows clearly, however, that the concept of the "general will" was from the first a voluntaristic equivalent of the traditional concept of the "common good." Compare *Geneva Manuscript*, editorial note 22.

42. This chapter and the next were added when Rousseau revised the *Geneva Manuscript*. Many commentators have assumed that Rousseau criticizes Montesquieu when arguing that sovereignty is "indivisible," but Derathé suggests that the chapter is a refutation of Hobbes, Pufendorf, Burlamaqui, and other theorists of "political right" (Pléiade, III, 1453). The last sentence of this chapter is a variant of *Etat de guerre* (Pléiade, III, 609).

43. See *Social Contract*, II, vi. It follows, for Rousseau, that concerns of foreign affairs or "national security" cannot justify violation of the laws. Compare Locke, *Second Treatise*, xii, § 145–148, and xiv, especially § 160 (ed. Laslett, 384, 393).

44. Marquis d'Argenson, *Considérations sur le gouvernement ancien et présent de la France*, ii, 26–27 (see editorial note 12). In Rey's edition, d'Argenson's text reads "by *a reason opposed* to the interest" (*par une raison opposée*), whereas Rousseau's citation says "in opposition to the interest" (*par opposition*): Masters, *Political Philosophy of Rousseau*, 308, n. 28. The sentence to which this note is appended presumes that in any society, private interests necessarily conflict: "in the social state, the good of one man necessarily produces the ill of another. This relation is in the nature of the thing, and nothing could possibly change it." *Emile*, II (Pléiade, IV, 340, note). In terms of contemporary game theory, Rousseau asserts that private interests represent a "zero-sum" game. Because the "will of all" appears as a synonym for the "general will" in *Geneva Manuscript*, I, vii (p. 99)—a passage that reappears in *Political Economy* (*Collected Writings*, III, 145–146)—Rousseau's distinction between these terms may date from his final revision of the manuscript: compare Masters, *Political Philosophy of Rousseau*, 325–327; *Geneva Manuscript*, I, iv, and *Political Economy* (*Collected Writings*, III, 147–148).

45. "It is true that some divisions are harmful to republics and some are helpful. Those are harmful that are accompanied by sects and partisans; those are helpful that are maintained without sects and partisans. Thus since a founder of a republic cannot provide that there be no enmities in it, he has to provide at least that

there not be sects." Machiavelli, *History of Florence* VII, i (Princeton, N.J.: Princeton University Press, 1988), 276–277. For Rousseau's generally favorable attitude toward Machiavelli, see *Social Contract*, III, vi, especially the first note. Rousseau's citation reinforces the interpretation of the "general will" as an ideal that cannot be perfectly realized in practice, as Machiavelli says in the sentence preceding the quotation: "those who think a republic may be kept in perfect unity of purpose are greatly deceived." It must be added that Machiavelli's text apparently makes a subtle distinction between "*sette*" ("sects") and "*partigiani*" ("parties"): whereas "sects" are always harmful, "parties" are harmful if accompanied by "sects," but apparently need not themselves be forbidden by the "founder of a republic." Compare Machiavelli's *Discourses on Titus Livy*, I, iv (ed. Crick [Baltimore: Penguin, 1970], 113–115), according to which the Roman Republic was based on the rivalry between plebs and patricians, with the next editorial note.

46. This criticism of "partial societies" has often been cited as an indication of Rousseau's hostility to pluralist democracy and political practice; some even speak of "totalitarianism" in this regard (ed. Watkins, xxx; Vaughan, I, 60). But in reading this passage, one must take into account Rousseau's definition of a "partial society" as a group with a "corporate will": see the group theory of politics spelled out in *Political Economy* (*Collected Writings*, III, 143–144) and discussed in the Introduction, pp. xxiii–xxv. The right to vote in secret, without others watching how the ballot is marked, is based on reasoning like that of Rousseau; expecting "partial societies" in every community, Rousseau's principles are particularly opposed to a single-party system—and oriented to a multiplicity of groups and/or parties, none of which can claim to rule in its own name. Note that although Sparta was "unique and sublime," it was Rome, whose laws were formed by Numa and revised by Servius, that Rousseau calls "the best government that ever existed." *Lettres écrites de la montagne*, I, vii (Pléiade, III, 809). See the comparison between Sparta and Rome in Political Fragment XII, 2 (p. 62–63 of this volume).

47. For the first draft, see *Geneva Manuscript*, I, vi, entitled "On the Respective Rights of the Sovereign and the Citizen." Because this chapter was carried over to the final version with relatively few changes, it would seem to reflect an important statement of Rousseau's principles. For that very reason, the modifications of the text are of exceptional importance.

48. "I have a hundred times in writing made this reflection that it is impossible in a long work always to give the same meanings to the same words. There is no language rich enough to furnish as many terms, turns and phrases as our ideas can have modifications. . . . In spite of that, I am persuaded that one can be clear, even in the poverty of our language, not by always giving the same meaning to the same words, but arranging it so that as often as each word is used, the meaning given it be sufficiently determined by the ideas related to it" *Emile*, II (Pléiade, IV, 345, note; ed. Bloom, 108).

49. The last clause was added to the final version. Although it appears to be "collectivist" in tone, Rousseau was concerned by the danger of an individual who sought the protection and benefits of civil society without paying his share of the costs. As he put it in *Geneva Manuscript*, I, ii (79): "private interest and the general good . . . are mutually exclusive in the natural order of things, and

social laws are a yoke that each wants to impose on the other without having to bear himself." In the first draft, Rousseau wrote that the "life and existence" of citizens as "private persons" are "naturally independent" of the "public person" (p. 95); in the final version, he changed the phrase to read "life and *freedom*" of "private persons," thus emphasizing "the natural right which they ought to enjoy in their quality as men." Rousseau constantly tries to balance the claims of the individual and of society. Compare Rousseau's "fundamental distinctions," cited in *Social Contract*, editorial note 26.

50. "This chapter was added in the final version. Although it could be viewed as a gloss on the famous phrase discussed in editorial note 37, Rousseau also presents a criticism of Hobbesian principles. According to *Leviathan*, I, xiv: "a man cannot lay down the right of resisting them, that assault him by force, to take away his life. . . . The same may be said of wounds, and chains, and imprisonment." As a result, for Hobbes the right of self-preservation is inalienable. "If the sovereign command a man, though justly condemned . . . not to resist those who assault him . . . yet hath that man liberty to disobey" (ibid., I, xxi). Moreover, Hobbes's principle gives rise to a possible claim against military service: "Upon this ground, a man that is commanded as a soldier to fight against the enemy, though his sovereign have right enough to punish his refusal with death, may nevertheless in many cases refuse, without injustice" (ibid.). Because Rousseau seeks to found a rational theory of obedience, he rejects Hobbes's view that an individual could judge of whether or not he has the "liberty to disobey" after having been "justly condemned," or whether he can "refuse, without injustice" to "fight against the enemy." Compare ibid., II, xxix.

51. The first paragraph of this chapter is taken from *Geneva Manuscript*, II, i; second through eighth paragraphs from *Geneva Manuscript*, II, iv (first through third and seventh through eleventh paragraphs); and the last paragraph from *Geneva Manuscript*, I, vii (fourth paragraph). The next to last paragraph, containing the radical equation of "every legitimate government" with a "republic," is the only entirely new text in the chapter. Although this reorganization removes redundancies in the first draft, note the treatment of natural law that was thereby deleted: *Geneva Manuscript*, II, iv (twelfth through seventeenth paragraphs) and editorial notes 34 and 36 thereto.

52. The first draft of this sentence reads: "emanating from reason alone *and founded on the simple right of humanity*" (*Geneva Manuscript*, II, iv, 111). The italicized words, deleted in the final version, make it clear that Rousseau is speaking about the kind of natural law or "law of reason" that he rejected in *Geneva Manuscript*, I, ii. Although politically impotent, Rousseau never denied the existence of such rational "laws of justice"; far from being ironic, the phrase "all justice comes from God" was meant very seriously. See *Emile*, IV: "Let all other men do what is good for me at their expense; let everything be related to me alone; let all mankind, if need be, die in suffering and poverty, if need be, to spare me a moment of pain or hunger. This is the inner language of every unbeliever who reasons. Yes, I shall maintain it all my life. Whoever speaks otherwise although he has said in his heart, 'There is no God,' is nothing but a liar or a fool" (Pléiade, IV, 636–637; ed. Bloom, 315).

53. For the first draft of this chapter, see *Geneva Manuscript*, II, ii, first through

fifth, seventh, and twelfth through fifteenth paragraphs. On the role of the legislator in Rousseau's political thought, see Masters, *Political Philosophy of Rousseau*, 354–368.

54. The quotation is from Montesquieu's *Considerations on the Causes of the Greatness of the Romans and Their Decline*, i (ed. D. Lowenthal [Ithaca, N.Y.: Cornell University Press, 1965], 25). For the reference to Caligula, see the passage of Philo mentioned in editorial note 14. On Plato, see *Statesman*, 1d: "the statesman . . . is much more like the man in charge of a whole herd of cows or of a stud of horses" (trans. J. B. Skemp, in *Collected Dialogues*, ed. E. Hamilton and H. Cairns [New York: Bollingen, 1961], 1025). Compare ibid., 275c (1040–1041), and *Republic*, I.343a–c.

55. Voltaire wrote in his copy: "Weak praise of a vile sectarian and absurd preacher whom you detest in your heart" (*Social Contract*, ed. de Jouvenel, 229). In effect, Rousseau later wrote: "Calvin was doubtless a great man; but after all he was a man, and what is worse a theologian: he had all the pride of the genius who is aware of his superiority, and who is indignant when anyone disagrees with him. Most of his colleagues were in the same category" *Lettres écrites de la montagne*, II (Pléiade, III, 715). In other words, Rousseau treats Calvin as a "great man" and "genius" for his role as a legislator in Geneva rather than as founder of Calvinism; compare editorial note 58.

56. Of the Decemvirs, Montesquieu says: "Ten men in the [Roman] Republic had alone all the legislative power, all the executive power, all the power of judging. Rome found itself subjected to a tyranny as cruel as that of Tarquin." *Esprit des lois*, XI, xv (in *Oeuvres complètes*, ed. Caillois [Paris: Editions de la Pléiade, 1966], II, 417–418). Compare Machiavelli, *Discourses on Titus Livy*, I, xl (ed. Crick, 210–216).

57. "Nor in fact was there ever a legislator who, in introducing extraordinary laws to a people, did not have recourse to God, for otherwise they would not be accepted, since many benefits of which a prudent man is aware, are not so evident to reason that he can convince others of them" (ibid., I, ii [ed. Crick, 141]).

58. This sentence is apparently an indirect criticism of Voltaire, whose play *Mohamet* explicitly treats the "son of Ishmael" as an "impostor" from the beginning (Act I, Scenes 1, 2 and 4) to the end (Act V, Scene 4). Compare Masters, *Political Philosophy of Rousseau*, 8, n. 23. Rousseau's view of Moses and Mohammed as legislators rather than founders of religions follows Machiavelli, *The Prince*, vi. See also the discussion of Moses in Political Fragments IV, 24–26 (this volume, pp. 33–35).

59. Rousseau refers to William Warburton, bishop of Gloucester (1698–1779), and author of *The Alliance between Church and State* (1736) and *Divine Legation of Moses* (1737–1741).

60. For the first draft of this chapter, see *Geneva Manuscript*, II, iii, second through fifth paragraphs. In the definitive text, the next to last paragraph is rewritten, and the last paragraph is new material. As Robert Derathé has noted, the addition of a criticism of Peter the Great is an indirect rejection of Voltaire's highly favorable judgment (Pléiade, III, 1466–1469).

61. Cf. Aristotle, *Politics* VII.iv.1325b-1326b. *Geneva Manuscript*, II, iii, seventh

through eleventh paragraphs, has the original version of this chapter. Note that what was the next sentence of the first draft was deleted. One explanation may be that the last paragraph of the chapter seems to refer to Republican Rome, which Montesquieu described as "in an endless and constantly violent war . . . by the very principle of its government." *Considerations on the Greatness of the Romans*, i (ed. Lowenthal, 27). Given Rousseau's praise of Rome, he may have decided that one could indeed imagine something "more foolish than the maxims of those conquering nations" for whom "the necessity of conquests was part of their constitution" (*Geneva Manuscript*, II, iii, 106, 107).

62. For the first draft of this chapter, see *Geneva Manuscript*, II, iii, fourteenth through sixteenth and twenty-first paragraphs. Rousseau's emphasis on the effects of geography, climate, and a host of other factors, although often ignored by political scientists, contrasts with the image of his political theory as abstract and unrealistic. The last paragraph, added for the final version, led an influential Corsican to ask Rousseau's opinion on a constitution for the island (which had rebelled against Genoa in 1752—but was eventually taken over by France in 1768). See *Constitutional Project for Corsica* (ed. Watkins, 277–330), and Sven Stelling-Michaud's Introduction (Pléiade, III, cxcix–ccxv).

63. For the first draft, see *Geneva Manuscript*, II, vi. The only notable change is the addition of the footnote, citing d'Argenson's *Considérations* (compare *Social Contract*, editorial note 12, and Vaughan, II, 62).

64. In the first edition, Rousseau referred to the author only by initials as "M. d'A." (see editorial notes 12, 44, and 139); the name was added throughout in the posthumous edition of 1782. Here, the published text of d'Argenson's work reads: "A branch of commerce, acquired at great expense, only secures a deceptive utility for the kingdom in general, and enriches only some towns or private individuals that are already living in abundance" (cited by Vaughan, II, 62).

65. Montesquieu had written: "Although all States have in general the same object, which is to survive, each State nonetheless has one that is particular to itself. Expansion was the object of Rome; war that of Sparta; religion that of the Jewish laws; commerce that of Marseille; public tranquillity that of the laws of China; navigation that of the laws of Rhodes; natural liberty the object of the regulations among savages; in general the delights of the prince that of monarchies; the independence of each private individual is the object of the laws of Poland, and what results from that is the oppression of all." *Esprit des lois*, XI, v (ed. Caillois, 396). Although a number of previous editors (including Derathé and Grimsley) have noted this parallel, the differences between Rousseau and Montesquieu are worth considering—especially with respect to Rome. Compare *Social Contract*, editorial note 61. Note also that Montesquieu goes on, in the immediate sequel, to speak of England as the "one nation in the world that has, as the direct object of its constitution, political liberty." Rousseau's answer is found in Book III, chap. xv.

66. Rousseau's insistence that nature is "invincible" contrasts sharply with Bacon's notion of a scientific "conquest" of nature. To be sure, Bacon insists that "Nature to be commanded must be obeyed." *New Organon*, Book I, Aphorism iii, in Francis Bacon, *A Selection of His Works*, ed. Sidney Warhaft [New York:

Odyssey, 1965], 331). But Bacon's explicit aim is to "extend more widely the limits of the power and greatness of man" (ibid., Aphorism cxvi [p. 368]). Because his definition of "the work and aim of human power" is "on a given body to generate and superinduce a new nature or new natures" (ibid., Book II, Aphorism i [p. 376]), it follows that Baconian science is conceived as a means to overcome precisely those natural features that Rousseau here describes as "invincible." Whereas Bacon praises "famous discoveries" or "inventions" as holding "by far the first place among human actions" (ibid., Book I, Aphorism cxxix [p. 372]), Rousseau is essentially hostile to technological innovation. See Rousseau's Political Fragment VIII, 1 (p. 51 of this volume). In a fundamental sense, Rousseau was the first great critic of industrial society.

67. This chapter uses the first, second, fifth, sixth, and seventh paragraphs of *Geneva Manuscript*, II, v. In the next sentence, Rousseau refers to Book III, chap. i. As Derathé points out (Pléiade, III, 1471), Rousseau goes on to modify Montesquieu's distinction between "*droit politique*" and "*droit civil*" in *Esprit des lois*, I, iii. On the importance of "morals"—the French term is *moeurs*, which means the customs, morals, and way of life of a people—which Rousseau emphasizes in the last paragraph of the chapter, see also Book IV, chap. vii (especially editorial note 125), and *Collected Writings*, II, 203–204, n. 7.

68. Because the *Geneva Manuscript* breaks off in the middle of the third paragraph of this chapter, for all practical purposes there is no preliminary version of the remainder of the text—except for one paragraph in Book III, chap. vi, and the chapter on "Civil Religion" (IV, viii). The importance Rousseau attached to Book III, chap. i, is underlined not only by his warning that the reader be "attentive," but also by the fact that its main point—the distinction between the government and the sovereign—is emphasized so strongly in *Political Economy* (*Collected Writings*, III, 142) and *Lettres écrites de la montagne*, V, VI, and VIII (Pléiade, III, 770–771, 808–809, 837–838). In the "extract of the treatise *On the Social Contract*," which Rousseau includes in *Emile*, V, he cites six paragraphs from this chapter (Pléiade, IV, 843–845; ed. Bloom, 463–464) as well as six paragraphs each from III, ii, and III, iii. One could say that the beginning of Book III is the center of Rousseau's political teaching in more ways than one.

69. The distinction between "physical" *force* (or power) and "moral" *will* (or free choice) is fundamental to the thought of Rousseau. Unlike Hobbes, who treats thought and sensation as the consequence of matter in motion (*Leviathan*, I, i–iii), Rousseau denied that "sensation" and "will" could be explained solely in materialist terms. See *Second Discourse*, Part I (*Collected Writings*, III, 25–26), and *Emile*, IV, notes to the "Profession of Faith" (Pléiade, IV, 574, 575, 584–585; ed. Bloom, 272, 273, 279).

70. Despite the example of Venice, the use of the term *prince* to designate a collective body was highly unusual and can be taken as another example of Rousseau's radically antimonarchical principles.

71. A continuous proportion is a geometric progression such that:

$$\frac{A}{B} = \frac{B}{C} = \frac{C}{D} \cdots$$

Hence Rousseau's formulation could be restated algebraically as follows:

$$\text{Sovereign/Government} = \text{Government/Subjects}$$

or

$$(\text{Sovereign})(\text{Subjects}) = (\text{Government})^2$$

On this mathematical formulation and its implications, see Marcel Françon, "Le Langage Mathématique de Jean-Jacques Rousseau," *Cahiers pour l'Analyse* 8 (1967), 85–88, and Masters, *Political Philosophy of Rousseau*, 340–348.

72. Rousseau says that "the subject always remains one" because the laws, if legitimate, must apply equally—and with full force—to each citizen as subject (compare II, vi). It follows, however, that both the ratio of the sovereign to the State and the ratio of the government to the State must be whole numbers (i.e., the denominator is always 1). This detail is crucial if one is to understand Rousseau's reference to "the series . . . of whole numbers" later in this chapter.

73. Rousseau uses the French word *rapport*, which can mean either a mathematical "ratio" or a "relationship," twice in this sentence. Since Rousseau's play on the ambiguity of the term is untranslatable, "ratio" is used for "*rapport* in the geometrical sense" and "relationship" for "*rapport* in the ordinary sense."

74. Rousseau's eighteenth-century mathematical terms should not obscure the basic idea. Starting from the last equation given in editorial note 71, and substituting the value of "subjects" as equal to 1 (editorial note 72), Rousseau indicates that:

$$(\text{Sovereign}) = (\text{Government})^2$$

Calling the expression "(Government)^2" a "doubled ratio," Rousseau concludes that the force of the government should vary according to the size of the sovereign. Compare the next paragraph.

75. At first, this phrase cannot fail to be puzzling. Rousseau seems to say that the government is a "moral person" that "can be broken down into other similar relationships" that constitute "a new proportion" that is "within" the continuous proportion discussed to this point. But if the "supreme magistrate" is an "indivisible middle term" or "unity" (1/1), separating "the series of fractions and that of whole numbers," then the ratio of sovereign to government is a "fraction," and the ratio of the government to the State is a "whole number." The latter is clear enough (see editorial note 72). But because a fraction cannot equal a whole number, it follows that the continuous proportion can never be perfectly realized in practice. Although the government "should" be subordinate to the sovereign, the "quantity of action" of the people as sovereign is apparently always less than the "quantity of action" of the government. See Introduction, pp. xx–xxi.

76. When Rousseau says that "the body politic would be dissolved," he does not mean that the society would automatically fall into anarchy, but merely that subjects no longer have a moral obligation or duty to obey. Compare I, iii, and III, x, first note.

77. Rousseau here applies, to the "government" as a "corporate" body, the logic that he applies to all "partial societies" in *Political Economy* (*Collected Writings*, III, 142–143). Compare editorial notes 46 and 83.

78. As Bertrand de Jouvenel has pointed out, when Rousseau says "the government should [*doit*] shrink," he uses the word *doit* (should, must, or ought to) in a "scientific" rather than an "ethical" way: "Rousseau is not saying, 'It is good that . . .' but 'It will come about that . . .'" "Rousseau's Theory of the Forms of Government," in *Hobbes and Rousseau*, ed. Cranston and Peters (494–495). De Jouvenel's interpretation, in this article and in the introduction to his edition of the *Social Contract*, is extremely illuminating.

79. Rousseau's use of the tripartite classification of monarchy, aristocracy, and democracy is in keeping with a long tradition in political theory. Aristotle had distinguished forms of government on the basis of two criteria: the number of rulers (one, few, many) and objective of rule (common good versus good of rulers). This produced the famous classification of six types of regime—three good or just (kingship, aristocracy, and "polity") and three unjust or evil (democracy, oligarchy, tyranny). See Aristotle, *Politics*, III.vi. 1278b–viii. 1280a (ed. Barker, 110–116), and compare Plato, *Statesman*, 300–303b, and St. Thomas Aquinas, *On Kingship*, I.xi–xii (*The Political Ideas of St. Thomas Aquinas*, ed. D. Bigogniari [New York: Hafner, 1957], 178). Cicero, however, asserted that what Aristotle had called "bad" regimes are "really no commonwealth at all." *De Re Publica*, III.xxxi. 43 (ed. Keyes [London: Loeb Classical Library, 1959], 219). Because for Cicero *res publica res populi* ("a commonwealth is the property of the people"), there are only three forms of government, each of which is "an assemblage of people in large numbers associated in agreement with respect to justice and a partnership for the common good," ibid., I.xxv. 39 (pp. 64–65). Rousseau basically agrees with Cicero, explicitly rejecting Aristotle's usage—see III, x, note. Compare Machiavelli, *Prince*, i (ed. Musa [New York: St. Martin's Press, 1964], 5), and *Discourses*, I, ii (ed. Crick, 106–111); Hobbes, *Leviathan*, II, xix (ed. Oakeshott, 121–122) and *De Cive*, ch. vii, paragraphs 1–4 (ed. B. Gert [Garden City, N. Y.: Doubleday, 1972], 190–194); Locke, *Second Treatise*, x, § 132 (ed. Laslett, 372). It follows that Rousseau's usage of the term *democracy* differs from contemporary practice. Vaughan, in a note to his edition of the *Social Contract* (p. 144), observes "that a sense unusual in modern times . . . but familiar to the ancients (for example, Plato and Aristotle), is here given to *Democracy*; and that Rousseau's *Aristocracy*, coupled as it is with the 'sovereignty of the people,' corresponds much more closely with the modern conception of democracy." See also editorial note 83.

80. The "famous author" is Montesquieu, who had said: "Not much honesty is needed for a monarchical or despotic government to survive or support itself. . . . But in a popular state, an additional motivation is necessary, namely VIRTUE." *Esprit des lois*, III, iii (ed. Caillois, 251). Rousseau's criticism of Montesquieu here is similar to a remark in *Emile*, V: "The science of political right is yet to be born, and it is to be presumed that it never will be. . . . The only modern in a position to create this noble and useless science was the illustrious Montesquieu. But he was careful not to discuss the principles of political right. He was content to discuss the positive right of established governments, and nothing in the world is more different than these two studies" (Pléiade, IV, 836; ed. Bloom, 458). For Rousseau, "the same principle" of political right "ought to apply to every well-constituted state" (compare Introduction, pp. xv–xvi), whereas Montesquieu speaks of the

"principle" of each form of government as "that which makes it act . . . the human passions which move it" (*Esprit des lois*, III, i).

81. "I prefer dangerous freedom to quiet servitude." Rousseau apparently cites *Observations sur le gouvernement de Pologne* (1749), in which Stanislas Leczinski, titular King of Poland and Duke of Lorraine, attributes this phrase to his father (Vaughan, II, 74).

82. In the copy of the *Social Contract* given to his friend d'Ivernois, as well as in a manuscript (Neuchâtel 7842, f°.52), Rousseau added the following citation of Sallust to this note: "*Dum pauci potentes dominationes affectabant, bonique et mali cives adpellati, non ob merita in Rempublicam, sed uti quisque locupletissimus et injuria validior, quia praesentia defendebat pro bono ducebatur*. Sallust. Hist. L. I." (Pléiade, III, 1478). "Since a small number of powerful people distributed positions, citizens were called good or bad not on the basis of their merit in the Republic, but on the basis of their wealth and their force in scorning the law, so that an individual's position pleading in his favor, he was considered a good man."

83. Rousseau's concept of "elective aristocracy" is thus his closest approximation to what has come to be called "representative government." As will be noted, however, Rousseau flatly rejects the concept of "representatives or deputies" (III, xv). In this regard, his distinction between sovereignty and government is crucial. Compare *Lettres écrites de la montagne*, VI: "The best of governments is aristocratic; the worst of sovereignties is aristocratic" (Pléiade, III, 809). "The interests of partial societies are no less distinct from those of the State, nor less pernicious to the Republic, than those of private individuals . . . and since what is dishonest in preferring oneself to others disappears in favor of a numerous society of which one is a part, by being a good Senator one finally becomes a bad citizen. This is what makes Aristocracy the worst of sovereignties." *Jugement sur la polysynodie* (Pléiade, III, 644–645).

84. Rousseau seems to misrepresent Aristotle flagrantly, as has been noted by many editors (Vaughan, Derathé, Grimsley). According to *Politics*, III.vi–vii. 1279a (ed. Barker, 112–114), "aristocracy" is a "right constitution" in which the few rule "with a view to the common interest"; the name aristocracy is "given to this species either because the best (*aristoi*) are the rulers or because its object is what is best (*ariston*) for the state and its members." Hence, aristocracy is "a government vested in a number of persons who are all good men," ibid., III, xv. 1286b (p. 143). In contrast, Aristotle is explicit in defining rule by the rich as oligarchy: "It is inevitable that any constitution should be an oligarchy if the rulers under it are rulers in virtue of riches, whether they are few or many," ibid., III. viii. 1279b–1280a (p. 116). The same distinction is found in Aristotle's *Nicomachean Ethics*, VIII.x. 1160a–b (ed. Ostwald [Indianapolis, Ind.: Bobbs-Merrill, 1975], 233–234). Rousseau thus applies Aristotle's criterion of a *bad* form of government by a few (oligarchy) to what Aristotle had called a *good* form of government by a few (aristocracy). This is probably not merely a careless slip, because in the note to *Social Contract*, III, x, Rousseau attacks Aristotle's distinction between kingship and tyranny, citing *Nicomachean Ethics*, VIII.x. In other words, Rousseau seems to have consistently blurred Aristotle's distinction between "right" or good regimes and bad or unjust ones. Compare editorial note 79.

85. This note was added in the edition of 1782. On Rousseau's praise of Machiavelli, see Grimsley's Introduction, 73–77, and Masters, *Political Philosophy of Rousseau*, 364–368. It is particularly instructive to note Rousseau's insistence on reading another "profound political thinker" with an eye to a "hidden intention" that is revealed only to careful readers. Compare the opening passage of III, i.

86. This paragraph was added while the *Social Contract* was in press, apparently in order to compliment the Duke de Choiseul. Unfortunately, Choiseul—then prime minister—took the passage as personal criticism instead of praise: Pléiade, III, 1482; Vaughan, II, 78; and—for Rousseau's own account—*Confessions*, XI (Pléiade, I, 571, 576–577). For the first draft of the next paragraph, see *Geneva Manuscript*, II, iii, 108.

87. Plutarch, *Sayings of Kings*, 175E, in *Moralia*, ed. F. C. Babbitt (London: Loeb Classical Library, 1961), III, 30–31. In the Greek, Dionysius the Younger calls his father a "tyrant" (*tyrannon*), not a "king." Compare Rousseau's second footnote to III, x.

88. "The most practical and shortest method of distinguishing between good and bad measures is to think what you yourself would or would not like under another emperor." Tacitus, *Histories* I. 16 (in *The Complete Works of Tacitus*, ed. Moses Hadas [New York: Modern Library, 1942], 429).

89. Rousseau again refers to Plato's *Statesman*, especially 297b–c, 300e, 303c, 309d. (Compare editorial note 54.) The frequency of Rousseau's references to the *Statesman*—combined with the surprising absence of references to the *Republic*—deserves comment. Could it be that, like Plato, Rousseau was seeking a "statesman"—not as monarch but as legislator? Among the fragments presumably intended for Rousseau's projected *Political Institutions* is a list of chapters concluding with "Examination of Plato's Rep[ublic]" and a Preface (Fragments I, 1–2; 16–17 in this volume). On Rousseau's longing for "a superhuman genius" who would exercise "creative legislative authority," see Judith Shklar, "Rousseau's Images of Authority," in *Hobbes and Rousseau*, ed. Cranston and Peters, especially 340–347.

90. If the ratio of the sovereign to the government is a "fraction," whereas that of the government to the state is a "whole number" (III, i, and editorial note 75), in practice the ratio of prince to sovereign is always greater than—and the ratio of people to prince less than—unity.

91. See *Esprit des lois*, especially Book XVII: "How the Laws of Political Servitude are Related to Climate" (ed. Caillois, 523–530) as well as I, iii; XV, vii; XVI, ii–iv, xi, xii; XIX, iv, xxvii; XXI, i–iv; XXIII, xvi; XXV, xxvi; and *Persian Letters*, cxxxi. For the classic statement of this view, see Aristotle, *Politics*, VII.vii. 1327b (ed. Barker, 296).

92. Rousseau's citation is from Chardin's *Voyages en Perse* (4 vols.; Amsterdam, 1735), III, 76, 83–84. The remainder of this chapter relates economics to climate in a way that is strikingly different from most modern economic theories. Compare Locke, *Second Treatise*, chapter v, and Montesquieu, *Esprit des lois*, Book XVIII, and especially Part IV, Books XX–XXII.

93. Compare Aristotle, *Politics*, Books I–II, VII–VIII. On Rousseau's reasons for transforming the ancients' question of the "best regime" into the modern one

of "what is law?" (i.e., is there a rational principle of obedience?), see the passage of the *Confessions* cited in editorial note 4. On the argument of the chapter as a whole, compare Montesquieu, *Esprit des lois*, Book XXIII. Note that over the long run, a "successful" government necessarily destroys freedom, because "the larger the State grows, the less freedom there is" (III, i). Compare the next chapter.

94. "And this in their ignorance, they called civilization, when it was but a part of their servitude." Tacitus, *Agricola*, 21 (ed. Hadas, 690). Like Rousseau's preceding note, this one was added when the *Social Contract* was in press (Pléiade, III, 1484–1485).

95. "They make a solitude and call it peace." Tacitus, *Agricola*, 30 (ed. Hadas, 695). On the example in the next sentence, see the passage of the *Mémoires of the Cardinal de Retz*—who was Coadjutor of Paris—cited in Pléiade, III, 1485, n. 5.

96. Rousseau paraphrases the Introduction of Machiavelli's *History of Florence*. Compare Machiavelli's argument in III, i (New York: Harper Torchbooks, 1960, 108–109) with *Discourses on Titus Livy*, I, iv (ed. Crick, 113–115). On this note—and Rousseau's argument in the chapter—consider Bertrand de Jouvenel's judgment: "This very criterion of population overthrows Rousseau's entire thesis that civilization is decadent. For, along with commercial growth and the flowering of the arts and sciences which alarmed him, population in his time grew enormously. On this point, he has for him a passage from Tacitus and against him all the statistics. It is true that now population is declining in the most civilized countries, sometimes even rapidly. But nonetheless civilized peoples have larger populations than barbarians" (ed. de Jouvenel, p. 291).

97. An anonymous work published in 1612, with the objective of legitimizing the sovereignty of the emperor over the Venetian Republic (Pléiade, III, 1486).

98. Rousseau apparently has in mind the account of Rome in *Discourses on Titus Livy*, I, ii–iv, 17 (ed. Crick, 110–115, 157–158). This reference is nonetheless surprising, because Machiavelli describes "the cycle through which all commonwealths pass" as monarchy, tyranny, aristocracy, oligarchy, democracy, anarchy (ibid., I, 2, 106–109). Moreover, Machiavelli explicitly applies this view to Rome: "And so favored was it [Rome] by fortune that, though the transition from Monarchy to Aristocracy and thence to Democracy, took place by the very stages and for the very reasons laid down earlier in this discourse, none the less the granting of authority to the aristocracy did not abolish altogether the royal estate, nor was the authority of the aristocracy wholly removed when the populace was granted a share of it. On the contrary, the blending of these estates made a perfect commonwealth" (ibid., 111). Cf. Plato's cycle of regimes: monarchy or aristocracy, timocracy, oligarchy, democracy, and tyranny (*Republic*, Books VIII–IX).

99. As numerous editors have noted, Rousseau uses "anarchy" to describe the absence of legitimate government rather than the chaotic absence of any effective government. This usage is consistent with Rousseau's tendency to follow Cicero's classification of regimes rather than that of Aristotle or Plato (compare editorial note 84). The term "ochlocracy" (mob rule) in Rousseau's next sentence was apparently first used by Polybius (Pléiade, III, 1486): see Polybius, *The Histories*, VI.iv.7–10 (ed. W. R. Paton [London: Loeb Classical Library, 1960], III, 274–275). Curiously enough, however, in this very passage Polybius contradicts

Rousseau's assertion that all government naturally evolves from democracy to monarchy. Machiavelli also seems to have had Polybius in mind when writing *Discourses*, I, ii (see the preceding editorial note). In other words, Rousseau was fully conversant with the technical usage of ancient and modern political theorists, but he adapts their concepts to his own point of view.

100. "For all those who exercise power for life in a city that has been accustomed to be free are considered and called tyrants." Cornelius Nepos, *Life of Miltiades*, viii (in *Lives of the Excellent Commanders*, ed. John Clarke [London: Hitch and Johnston, 1754], 32–33). On the remainder of this note, compare Aristotle, *Politics*, IV.x. 1295a (ed. Barker, 178–179) with editorial note 84. For a very important analysis of Xenophon's *Hiero*, see Leo Strauss, *On Tyranny*, rev. ed. (Glencoe: Free press, 1963), especially p. 126, n. 7. Interestingly enough, Machiavelli seems to use the term "tyrant" in precisely the way rejected by Rousseau: *Discourses on Titus Livy*, I, 10 (ed. Crick, 135–138).

101. Compare Hobbes, *Leviathan*, II, xxx: "there be also [some] that maintain, that there are no grounds, nor principles of reason, to sustain those essential rights, which make sovereignty absolute. Wherein they argue as ill, as if the savage people of America should deny there were any grounds, or principles of reason, so to build a house, as to last as long as the materials, because they never yet saw any so well built. Time and industry, produce every day new knowledge. And as the art of well building is derived from principles of reason, observed by industrious men, that had long studied the nature of materials, and the divers effects of figure, and proportion, long after mankind began, though poorly, to build; so, long time after men have begun to constitute commonwealths, imperfect, and apt to relapse into disorder, there may be principles of reason found out, by industrious meditation, to make their constitution, excepting by external violence, everlasting."

102. On this analogy between the "constitution of man" and that "of the State," compare Hobbes, *Leviathan*, Author's Introduction, and *Political Economy* (*Collected Writings*, III, 142–143). The next paragraph echoes *Geneva Manuscript*, II, ii, tenth paragraph.

103. As prior editors have pointed out, Rousseau's argument reflects his criticism of the Genevan government, which refused to allow the *Conseil Général* to meet with full authority. See *Lettres écrites de la montagne*, especially VIII (Pléiade, III, 837–858), IX (885–887) et passim. Compare *Government of Poland*, vii (ed. Watkins, 192–195), where Rousseau applies this principle to practice.

104. Compare *Constitutional Project for Corsica* (ed. Watkins, 291–293), where Rousseau does not follow his own advice, with *Government of Poland*, v (ed. Watkins, 181–182), where Rousseau proposes a federal system. The argument of the next paragraph could be supported by the process of rapid urbanization in the "developing" countries. See E. F. Schumacher, *Small Is Beautiful* (New York: Harper & Row, 1973), Part III. To emphasize Rousseau's preference for small communities, the word *ville* has been consistently translated "town" as distinct from "City" (*Cité*), which for Rousseau has the special meaning of the classical *polis*, or city-state.

105. On Rousseau's judgment of England, compare *Lettres écrites de la mon-*

tagne, XIX (Pléiade, III, 877–879). Rousseau's vigorous rejection of the concept of representation distinguishes his political theory from modern constitutional doctrines. Cf. Hobbes's notion of the Sovereign as "representative" of the "body politic": *Leviathan*, I, xvi and II, xviii (ed. Oakeshott, 107, 113). Rousseau was aware that his principles were hard, if not impossible, to realize under modern conditions, as the rest of this chapter makes clear. Hence it should not be surprising that he proposes for Poland a system of "Deputies" who are "bound by their instructions." The details of this proposal, which is explicitly described as being "deduced" from the "principle" set forth in the *Social Contract*, provide a good example of how Rousseau applied his theory to political practice: see *Government of Poland*, vii (ed. Watkins, 193–195). Compare *Political Economy*, editorial note 27.

106. Because this note implies that the existing text of Book III was drafted before Rousseau abandoned the projected *Political Institutions*, it could be taken as evidence that the missing half of the *Geneva Manuscript* was detached and used with only minor changes as the final version (compare editorial notes 4 and 68). Although some might be tempted to see the *Federalist Papers* as the fulfillment of Rousseau's project, Hamilton and Madison follow Montesquieu, favoring a commercial republic based on the separation of powers and indirect, representative legislatures. For a sketch of Rousseau's likely approach to confederations, see Vaughan, I, 95–102, and the texts there cited. It is possible that a manuscript containing Rousseau's conception of confederations was destroyed during the French Revolution (Vaughan, II, 135–136). Rousseau's reticence to publish his ideas on this topic may have been based on fears expressed in his *Jugement sur le projet de paix perpétuelle*. Having shown that the Abbé de Saint Pierre's projected European confederation combined "individual profit" and the "common good" (Pléaide, III, 591), Rousseau concludes: "Let us admire such a beautiful plan, but let us console ourselves not to see it executed, for that could not be done except by means that are violent and dangerous for humanity. One does not see federative leagues established in any other way except by revolutions, and on this principle who would dare say if this European League is to be desired or feared?" (Pléiade, III, 600). On this work, see *Social Contract*, editorial note 119.

107. The next three chapters return to questions of political "principle" as they relate to the practical problem of establishing and maintaining any legitimate government. On Rousseau's view of the social contract as "the bonds" of society, "obligating all members of the state without exception"—and not a contract between the people and its rulers—see *Second Discourse*, Part 2 (*Collected Writings*, III, 59–60).

108. This phrase—and the "two propositions that can never be omitted" at the regular assemblies (see the end of this chapter, p. 197)—were key passages cited by the Procureur Général of Geneva, J. L. Tronchin, as grounds for condemning the *Social Contract* (Pléiade, III, 1490–1491). Compare editorial note 103. On the importance of the next paragraph, see Introduction, pp. xx–xxii.

109. Rousseau uses an old legal term, *le cas odieux*. As Beaulavon pointed out: "It is a case in which the exercise of the claimed right appears to be dangerous; one then invokes the maxim of Roman law, '*odia restringenda, favores ampliandi*'—i.e., harmful rights must be limited as much as possible, and on the contrary

advantageous rights given all the latitude possible" (Pléiade, III, 1490). On the example of the Roman decemvirs, cited later in this paragraph, see II, vii, and editorial note 56.

110. See Grotius, *Droit de la guerre et de la paix*, II, v, § 24 (cited Pléiade, III, 1491). On this crucial point, the conventional distinction between modern totalitarianism and constitutional regimes follows Rousseau's principle.

111. Compare this bucolic image with the description of the early Swiss as "good and just without ever knowing what justice and virtue were" in *Constitutional Project for Corsica* (ed. Watkins, 295–296), the Neufchâtel mountainside depicted in the *Letter to d'Alembert* (ed. Bloom, 60–62), and Rousseau's assertion that the *Social Contract* takes Geneva as "a model of political institutions," *Lettres écrites de la montagne*, VI (Pléiade, III, 809). The argument of the remainder of this chapter, with its assertion that the general will "is always constant, unalterable, and pure," follows from the conception set forth in I, vi–II, vi (see especially editorial note 30).

112. Rousseau's ironical defense of free speech has confused some editors, who read the last clause as a serious statement of principle; such an interpretation is unlikely given the next chapter as well as Book II, chap iii.

113. Tacitus, *Histories*, I.85 (ed. Hadas, 471–472).

114. Unlike the first sentence of I, i, here Rousseau unambiguously uses the present tense ("*tout homme étant né libre* . . ."). Earlier editors have remarked that the principle of consent, spelled out in this paragraph and the following one, follows Pufendorf, Locke, and Burlamaqui (Pléiade, III, 1493). See also Hobbes, *Leviathan*, "A Review and Conclusion" (ed. Oakeshott, 461–463). On residence as tacit consent, compare the last paragraph of III, xviii.

115. The foregoing passage deserves particular emphasis, because it reinforces the interpretation of the "general will" as the logic implicit in the principle of majority rule. Note, however, that for Rousseau, popular votes should not be viewed as an expression of differing interests: compare the distinction between the general will and the will of all, based on the notion "that the agreement of all interests is formed in opposition to the interest of each" (II, iii, and Rousseau's first note). Compare editorial notes 28 and 44.

116. Compare II, iii, and III, xiii–xv, xviii, with IV, iv–vii.

117. Montesquieu, *Esprit des lois*, II, ii (ed. Caillois, 242). Montesquieu goes on, however, to add that election by lot "is defective by itself"; in the remainder of the chapter, Rousseau seems to disagree in principle but agree in practice.

118. Poor members of the Venetian nobility who inhabited the quarter called St. Barnabas (Pléiade, III, 1494). Voltaire criticized this comparison between Venice and Geneva as exaggerated (ibid.); beyond such questions of historical detail, the passage suggests that not merely Venice but virtually every republic is a "mixed regime" in Rousseau's terminology. See III, vii, "Properly speaking, there is no simple government," and editorial note 79. On Venice, compare Machiavelli, *Discourses on Titus Livy*, I, vi (ed. Crick, 119–121).

119. Rousseau refers to *Polysynodie, by the Abbé de Saint Pierre* (1718). The two had met just before the Abbé's death (1743), and Rousseau was subsequently asked to edit an abridgment of his works. As a result, in 1761 Rousseau published the *Extract of the Project of Perpetual Peace by Monsieur the Abbé de Saint Pierre* (Pléi-

ade, III, 563–589). Although written at the same time, Rousseau's *Judgment on the Project of Perpetual Peace* (ibid., 591–600), his edition of *Polysynodie of l'Abbé de St. Pierre* and *Judgment on the Polysynodie* (ibid., 617–645) were only published posthumously in 1782. The Abbé was a rationalist, if not utopian, who imagined a European parliament as the means to universal peace as well as the sweeping reform of the French monarchy to which Rousseau here refers. For the details of Abbé de St. Pierre's proposal, see *Polysynodie*, especially iv–viii (Pléiade, III, 622–632).

120. Some editors have not taken this sentence seriously. For example, Vaughan speaks of IV, iv–vii, as "barely relevant to the subject, and quite unworthy of the setting in which they stand" (Vaughan, II, 109). Derathé echoes this feeling, adding that "for Rousseau, it was a matter of filling up this fourth book, even at the price of a digression, in order to be able to insert the chapter on civil religion" (Pléiade, III, 1495). These judgments ignore Rousseau's continued admiration for Rome, the "model of all free peoples" (*Second Discourse*, Dedication [*Collected Writings*, III, 4]). Moreover, at least one internal reference suggests that these four chapters weren't inserted at the last minute (see *Social Contract*, editorial note 116, as well as *Geneva Manuscript*, editorial note 37). Finally, but most important of all, a comparison of Machiavelli's *Discourses on Titus Livy* and Montesquieu's *Considerations on the Greatness of the Romans* or *Esprit des lois* shows very clearly the difference between Rousseau's view of Rome and that of his predecessors.

121. Rousseau's note, like his epigraph from the *Aeneid* (editorial note 3), implies that Rome was founded on violence rather than free consent. Compare *Government of Poland*, ii: "Those who have seen in Numa only a creator of religious rites and ceremonies have sadly misjudged this great man. Numa was the true founder of Rome. If Romulus had done no more than to bring together a pack of brigands who could have been scattered by a single set-back, his imperfect work would not have been able to withstand the ravages of time. It was Numa who made it solid and enduring by uniting these brigands into an indissoluble body" (ed. Watkins, 165). Compare *Geneva Manuscript*, I, ii, especially II, iv: "for law comes before justice and not justice before law." Although the history of Romulus and Numa may be a "fable," it nonetheless reflects the true origin of Rome (see ed. de Jouvenel, 331). Compare Montesquieu's dismissal of "Numa's long and peaceful reign" as "ideal for keeping Rome in a state of mediocrity" (*Considerations on the Greatness of the Romans*, chap. [ed. Lowenthal, 23–24]) with Machiavelli, *Discourses on Titus Livy*, I, xi (ed. Crick, 140–141).

122. The passages from Varro, *De Re Rustica*, III. i, and Pliny, *Hist. Nat.*, XVIII.iii, are both apparently cited from Sigonius, *De Antiquo Jure Civium Romanorum*—a work that, as editors since Dreyfus-Brisac have noted, seems to have been a major source of Rousseau's account of Rome (Pléiade, III, 1494–1495; Vaughan, II, 109). For Montesquieu's account of the Roman institutions described in this chapter, see *Considerations on the Greatness of the Romans*, viii (ed. Lowenthal, 86–87). As remarked in editorial note 104, the word "town" has been used throughout for the French *ville*, both because Rousseau attaches a special meaning to *Cité* (translated "city") and because he refers to an urban agglomeration smaller than contemporary New York, Paris, or Tokyo.

123. Rousseau's awareness of the bias in favor of wealth in the Roman centuries

should be underlined, especially because he adds that they represented "all the majesty of the Roman people," whereas the comitia by tribes, albeit "favorable to popular government," failed to include "the senate and the patricians" (pp. 209–210). Despite his egalitarian principles, Rousseau knew the impossibility of avoiding some degree of social inequality in a complex society. For examples of the process to which Rousseau refers, at least at the end of the Republic, see Lucy Ross Taylor, *Party Politics in the Age of Caesar* (Berkeley: University of California Press, 1961).

124. Cicero, *Laws*, III.xv.33–xvii.39 (ed. Keyes, 496–505), to which Montesquieu had referred in *Esprit des lois*, II, ii (ed. Caillois, 243). On the secret ballot, which is of course generally practiced in modern democracies, compare editorial note 46. On Rousseau's judgment concerning this change in Roman law, compare Machiavelli, *Discourses on Titus Livy*, III, xxiv–xxvi (ed. Crick, 473–477).

125. In his *Lettres écrites de la montagne*, Rousseau rejects a criticism of the tribunes as a cause of the fall of the Roman Republic, adding a reference to this chapter as containing "some good maxims" on such an institution (Pléiade, III, 879–880). As the examples of the Spartan ephors and Venetian Council of Ten indicate, Rousseau clearly has in mind a political function that exists in other regimes; one can wonder how he would have analyzed the U.S. Supreme Court.

126. As earlier editors note, in this chapter Rousseau seems to follow Machiavelli, *Discourses on Titus Livy*, I, xxxiii–xxxiv (ed. Crick, 193–198). Compare Montesquieu, *Esprit des lois*, II, iii.

127. On the Roman censors, see Machiavelli, *Discourses on Titus Livy*, I, xl (ed. Crick, 230): "For in that the censors became the arbiters of Roman customs, they constituted a very powerful instrument which the Romans used in order to postpone the advent of corruption." Compare Montesquieu's explanation of how the censors "greatly contributed to upholding Rome's government": *Considerations on the Greatness of the Romans*, viii (ed. Lowenthal, 85–86).

128. On the meaning of "morals," see editorial note 67 above.

129. In the copy of the *Social Contract* given to d'Ivernois, Rousseau noted: "They were from Chios and not Samos; but given the things in question, I never dared use this word in the text. Although I think that I am as bold as others, it isn't permissible for anyone to be dirty and crude, in any possible situation. The French have put so much decency in their language that one can no longer tell the truth in it" (Pléiade, III, 1497). Rousseau thus avoided the play on words that would have resulted if he had spoken of "Chiots" or "Chiens."

130. For the first version of this chapter, see the final section of the *Geneva Manuscript*. The seventh paragraph of the draft became paragraphs four and six, with the remainder of the draft starting at the fifteenth paragraph of the final version (see also editorial note 135). Although the concept of a "civil religion" has understandably been viewed with great suspicion by those who lived through the excesses of Hitler and Stalin, Rousseau's frame of reference should be borne in mind. Compare Montesquieu, *Considerations on the Greatness of the Romans*, x (ed. Lowenthal, 98): "Aside from the fact that religion is always the best guarantee one can have of the morals of men, it was a special trait of the Romans that they mingled some religious sentiment with their love of country." Similarly, for Machiavelli, "the religion introduced by Numa was among the primary causes

of Rome's success. . . . And as the observance of divine worship is the cause of greatness in republics, so the neglect of it is the cause of their ruin" *Discourses on Titus Livy*, I, xi (ed. Crick, 141).

131. *Judges*, xi.28. Compare the translation of the *Jerusalem Bible* (p. 276): "Do you not possess all that Chemosh your god took from its owners? In the same fashion, whatever Yahweh our God took from its owners, that we possess too."

132. The "holy war" was a war between Phocis and Thebes in the middle of the fourth century B.C. It began with the accusation that Phocians had been impiously cultivating sacred land. The war ultimately involved Sparta and Athens on the side of Phocis, and Macedon under Philip on the side of Thebes. The Theban side won. Compare Thucydides' account of the role of the "curse of the goddess" and the "curse of Taenarus" in the origin of the Peloponnesian War: *History*, I. 118–135 (ed. Finley [New York: Modern Library, 1951]), 65–75. We would like to thank Clifford Orwin for providing the information in this note.

133. In a manuscript (Neuchâtel 7842), Rousseau noted: "For the last chapter of the Social Contract: *They have broken every one of Caesar's edicts by claiming that there is another emperor*, Jesus. Acts, XVII.7." (Pléiade, III, 1501). The Biblical translation is from *Jerusalem Bible*, 178–179; Rousseau's French Bible read "*Roy*" (king), not emperor.

134. "I have seen, writes Grotius, the Treatise *Of the Citizen*. I approve what is there in favor of kings, but I could not approve the foundations on which the author bases his opinions. He thinks that all men are naturally in a state of war, and he establishes some other things that are not in agreement with my principles. He even goes so far as to assert that it is the duty of each private individual to follow the religion approved in his fatherland by the public authorities, if not adopting it in his heart, at least in professing it and submitting to it obediently." Rousseau presumably read this letter in Barbeyrac's Translator's Preface to the French edition of Grotius, *Droit de la guerre et de la paix* (cited in Pléiade, III, 1502). For Hobbes's own statement, see *De Cive*, vi, § 11 (ed. Gert, 179–180); xv, § 17, 303–305; xv, § 7–18, 313–328; xvii, § 27, 364–367; xviii, § 13–14, 383–386. For an excellent treatment of Hobbes's proposed solution to the problem of divided sovereignty, see Clifford Orwin, "On the Sovereign Authorization," *Political Theory*, Vol. 3 (1975), 126–143.

135. At this point, the final version picks up the draft in *Geneva Manuscript*, starting with its second paragraph. The opposition between the "religion of man and that of the citizen" reminds one of the distinction between the "natural man" and the "citizen" in *Emile*, I (Pléiade, IV, 249). For a fuller statement of Rousseau's "natural religion"—here called "true theism," or "natural divine right"—see the "Profession of Faith of the Savoyard Vicar" in *Emile*, IV (Pléiade, IV, 635; ed. Bloom, 313–314); the Profession of Faith of Julie in *Julie, ou la Nouvelle Héloïse*, VI, xi (Pléiade, II, 714–716), as well as V, v (587–596); and Masters, *Political Philosophy of Rousseau*, 54–89. On Rousseau's intention to reconcile "the tolerance of the philosopher (*philosophe*) and the charity of the Christian," see *Lettres écrites de la montagne*, I (Pléiade, III, 697), and Pléiade, IV, 1600.

136. "Let him be damned." This formula was used when a citizen was cut off from other citizens and left to the judgment of the gods (ed. Grimsley, 226). Rousseau's violent criticism of Catholicism is very much based on the realization

that among believers, the power of excommunication—and even the refusal of the sacraments—is the most serious penalty. As Hobbes had put it: "For no man can serve two masters; nor is he less, but rather more a master, whom we believe we are to obey for fear of damnation, than he whom we obey for fear of temporal death." *De Cive*, vi, § 11 (ed. Gert, 179). Compare Rousseau's note on the Clergy (above, p. 218) with that on marriage, especially in its original form at the end of the *Geneva Manuscript*.

137. As Derathé points out, this sentence—and the following criticism of Christianity on political grounds—was heavily attacked. By "particular societies" and "social spirit," Rousseau meant political communities: "The great society, human society in general, is founded on humanity, or universal benevolence; I say and I have always said that Christianity is favorable to that society. But the particular societies, political and civil societies, have an entirely different principle. They are purely human establishments from which, as a consequence, the true Christianity detaches us as from all that is only earthly," Letter to Usteri, July 18, 1763 (cited Pléiade, III, 1503). Compare *Geneva Manuscript* I, ii (the long chapter deleted from the final version): in a sense, Rousseau's rejection of a "general society of the human species," based solely on reason, requires in its place a civil religion. Hence IV, viii, of the *Social Contract* is perhaps best understood as Rousseau's replacement of I, ii, of the *Geneva Manuscript*.

138. Compare Nietzsche's treatment of Judaism, and especially of Christianity, as "the slave revolt in morality," *Genealogy of Morals*, I, x (ed. W. Kaufmann [New York: Vintage, 1969], 36) et passim.

139. The passage quoted in this note has not been found in the published version of the Marquis d'Argenson's *Considérations* (Pléiade, III, 1504). On Rousseau's four citations of d'Argenson, see Masters, *Political Philosophy of Rousseau*, 306–309.

140. Rousseau's endorsement of the death penalty for behavior violating the dogmas of the civil religion indicates a "toughness" in his thought that is often overlooked. Nonetheless, it must be stressed that for Rousseau, only behavior—never opinion or belief—can be punished by society: "I am indignant that the faith of everyone is not in the most perfect liberty, and that man dares control the interior of consciences, where he is unable to penetrate, as if it depended on us to believe or not believe in matters where demonstration has no place," Letter to Voltaire, August 18, 1756 (*Collected Writings*, III, 119). Hence Rousseau asserted elsewhere: "no true believer could be intolerant or a persecutor. If I were the magistrate and the law provided for the death penalty against atheists, I would begin by having burned as one whoever came to denounce another." *Julie, ou la Nouvelle Héloïse*, V, v, note (Pléiade, II, 589).

141. These dogmas should be compared to the "Profession of Faith" in both *Emile* and *Julie, ou la Nouvelle Héloïse* (see editorial note 135 above). Rousseau's attempt to combine religious belief and toleration will strike many modern readers as anachronistic. But it is curious that the political practice of Western democracies—most notably in the United States—resembles Rousseau's precept: along with toleration of varied religious beliefs, one finds a general hostility to avowed atheism. Conversely, where atheism has been publicly proclaimed—as in the Soviet Union—there has been a tendency to convert the ruling political ideology into a kind of state "religion."

142. This note, which was softened from the first draft (see the end of the *Geneva Manuscript* and editorial note 42 thereto), was the source of considerable concern to Rousseau. After the *Social Contract* had been printed, he wrote to his publisher: "I want this note eliminated, whatever the cost, for your advantage as well as for my own." Letter to Rey, March 14, 1762 (cited Pléiade, III, 1507). Rey therefore had to reset the last pages of the book without this note, which was only published in the posthumous edition of 1782.

143. Henry IV's reasoning is described as follows: "A historian reports that the King had a debate between Doctors of both churches conducted in his presence, and seeing that a [Protestant] Minister agreed that one could be saved in the Catholic Religion, his Majesty spoke as follows to the Minister: *What? Do you agree that one can be saved in the religion of those men over there*? The Minister replied that he did not doubt it, provided that one lived well. The King replied very judiciously: *Prudence indicates, then, that I be of their religion and not yours, because being in theirs I can be saved according to them and according to you, and being of yours I can be saved according to you but not according to them. Now prudence indicates that I follow the most assured* [religion]," Hardouin de Péréfixe, *Histoire du roy Henry le Grand* (ed. 1616, 200, cited Pléiade, III, 1506).

144. On Rousseau's approach to foreign policy, and his decision to delete such considerations when abandoning his projected *Political Institutions*, see editorial notes 4, 106, 119. In the last analysis, Rousseau seems to have been less interested by problems that he called "external and relative" than by those that seemed to him "internal and absolute" (II, ix).